

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN**

CALI ALLOWAY, on behalf of herself  
and all others similarly situated,

Plaintiff,

v.

GENERAL MOTORS LLC,

Defendant.

Case No.

Hon.

**CLASS ACTION COMPLAINT**

**JURY TRIAL DEMANDED**

**CLASS ACTION COMPLAINT AND JURY DEMAND**

Plaintiff Cali Alloway (“Plaintiff”) brings this action against Defendant General Motors LLC, (“Defendant” or “GM”), by and through her attorneys, individually and on behalf of all others similarly situated, and alleges as follows:

**INTRODUCTION**

1. This is a class action lawsuit brought by Plaintiff Cali Alloway on behalf of herself and a class of current and former owners and lessees of model year 2015-2017 GMC Canyon and Chevrolet Colorado vehicles (the “Class Vehicles”). The Class Vehicles were designed, manufactured, marketed, distributed, sold and warranted by General Motors LLC (“Defendant” or “GM”) and equipped with

defective 6L50 transmissions, also manufactured by Defendant.<sup>1</sup>

2. This action arises from Defendant's failure, despite its longstanding knowledge, to disclose to Plaintiff and other similarly situated customers that the Class Vehicles have defective transmissions.

3. As explained below, the Class Vehicles were sold with a defective 6L50 Transmission that, among other things, slips, bucks, kicks, jerks and harshly engages; has premature internal wear, sudden acceleration, delay in downshifts, delayed acceleration and difficulty stopping the vehicle, and eventually suffers a catastrophic failure requiring replacement of the transmission (the "Transmission Defect").

4. This defect, which manifests itself within the limited warranty period or shortly after the limited warranty period expires, can cause unsafe conditions in the Class Vehicles, including vehicles suddenly lurching forward, sudden loss of forward propulsion, and significant delays in acceleration. These conditions present a safety hazard because they severely affect the driver's ability to control the vehicle's speed, acceleration, and deceleration. Even more troubling, the Transmission Defect can cause the vehicle to fail to downshift and decelerate when the brakes are depressed. This crucial defect has put the Plaintiff, as well as countless

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<sup>1</sup> Plaintiff reserves the right to amend or add to the vehicle models included in the definition of Class Vehicles after conducting discovery.

members of the Class, at risk of great bodily harm.

5. Defendant knew, or should have known, of this critical defect at the time of sale or shortly thereafter when numerous members of the putative class began complaining of the defect at Defendant's authorized dealerships. Yet, notwithstanding this knowledge, GM has routinely failed to repair the Class Vehicles without charge when the defect manifests.

6. Indeed, well before selling the first Class Vehicles, GM was aware of the defective nature of the 6L50 transmission through complaints it received regarding the Cadillac CTS—which was equipped with the same 6L50 transmission—starting in 2008. As discussed further, *infra*, Cadillac CTS owners complained to the National Highway Traffic Safety Administration (“NHTSA”) regarding the 6L50 transmission’s woes, including shifting anomalies like delayed acceleration followed by a sudden, unexpected increase in speed, as well as premature, catastrophic transmission failure.

7. Many owners and lessees of the Class Vehicle have communicated with Defendant or Defendant’s agents to request that they remedy and/or address the defect and/or resultant damage at no expense to the consumer. Defendant has routinely failed to do so.

8. Defendant has also refused to take any action to correct this concealed manufacturing and design defect when it reveals itself outside the warranty period.

Given Defendant's knowledge of the latent defect, GM's attempt to limit the warranty is unconscionable and unenforceable.

9. Despite knowledge conveyed to Defendant by information from its affiliated dealerships, National Highway Traffic Safety Administration ("NHTSA") consumer complaints, and its own internal records, including durability testing, Defendant has not recalled the Class Vehicles to repair the defective transmissions, offered its customers suitable repairs free of charge, or offered to reimburse consumers forced to pay for the repairs out-of-pocket.

10. The Transmission Defect is inherent in each of the Class Vehicles and present at the time of sale.

11. Had Plaintiff and other Class members known the consequences of the defective transmissions, they would not have bought or leased the Class Vehicles or would have paid substantially less for them.

12. Accordingly, Plaintiff brings this action to redress General Motors' violations of the Florida Deceptive and Unfair Trade Practices Act, the Magnuson-Moss Warranty Act, breaches of express and implied warranty, common law fraud and unjust enrichment.

#### **JURISDICTION & VENUE**

13. This Court has subject matter jurisdiction of this action pursuant to 28 U.S.C. § 1332 of the Class Action Fairness Act of 2005 because: (i) there are 100 or

more class members, (ii) there is an aggregate amount in controversy exceeding \$5,000,000, exclusive of interest and costs, and (iii) there is minimal diversity because at least one plaintiff and one defendant are citizens of different States. This court has supplemental jurisdiction over the state law claims pursuant to 28 U.S.C. § 1337.

14. This Court has personal jurisdiction over Defendant because it has conducted substantial business in this judicial district, and intentionally and purposefully placed Class Vehicles into the stream of commerce within this district and throughout Michigan and the United States.

15. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1339 because Defendant transacts business in this district, is subject to personal jurisdiction in this district, and is therefore deemed to be a citizen of this district. Additionally, there are one or more authorized GM dealers within this district and Defendant has advertised in this district and has received substantial revenue and profits from its sales and/or leasing of Class Vehicles in this district, including to Plaintiff and other members of the Class; therefore, a substantial part of the events and/or omissions giving rise to the claims occurred within this district.

## **PARTIES**

### **Plaintiff Alloway**

16. Plaintiff Cali Alloway is a Florida citizen who currently resides in

Kissimmee, Florida.

17. On or around September 1, 2016, Plaintiff purchased a new 2016 Chevrolet Colorado from Don Mealey Chevrolet in (“Don Mealey”), an authorized GM dealer in Clermont, FL.

18. Passenger safety and reliability were factors in Plaintiff’s decision to purchase the Chevrolet Colorado. Before purchasing her vehicle, Plaintiff spent time researching the Chevrolet Colorado on GM’s corporate website, on authorized dealership websites, and through general online searches using a web browser (*i.e.* Google). Further, Plaintiff was exposed to commercial marketing for the Chevrolet Colorado. Based on her research, Plaintiff believed that the Chevrolet Colorado would be safe and reliable. Plaintiff also test drove the vehicle with a dealership salesperson and inspected the window sticker before buying her vehicle.

19. Had GM disclosed the Transmission Defect before Plaintiff purchased her vehicle, Plaintiff would not have purchased her Class Vehicle.

20. Since purchasing her vehicle, Plaintiff has experienced symptoms of the Transmission Defect on multiple occasions. On or about November 22, 2017, at 4,912 miles, Plaintiff delivered her vehicle to Don Mealey complaining, as recited in the dealer-generated repair order, that “THE VEHICLE IS SHUDDERING ON ACCELERATION. HAPPENS BETWEEN 30-60MPH BEFORE IT SMOOTHES (sp) OUT. HAPPENS AFTER VEHICLE HEATS UP.” The dealership confirmed

Plaintiff's complaint, finding that "VEHICLE HAD TORQUE CONVERTER SHUDDER," and ultimately "REPLACED TORQUE CONVERTER & FILGER, FLUSHED COOLER (FLUSH CODE 5AD1EF5), FILLED WITH FLUIDS AND ROAD TESTED-OK." The vehicle was thereafter returned to Plaintiff but remained unfixed.

21. On or about November 2, 2019, at 8,732 miles, Plaintiff returned to Don Mealey complaining, as recited in the dealer-generated repair order, that "VEHICLE WILL ACCELERATE ON ITS OWN; NO SES LIGHTS; CUSTOMER STATES THAT THE VEHICL EWHILE DRIVIGN WITH CRUISE CONTROL SET THE VEHICLE LURCHED FORWARD. HAPPENED AGAIN WHILE JUST DRIVING DOWN THE ROAD. HAPPENS AFTER VEHICLE HAS BEEN FUNNING AND IS HOT." Plaintiff also complained that "TTHE (sp) VEHICLE IS CLUNKING INTO GEAR AND THAT THE VEHICLE HAS TO BE ACCELERATED VERY HARD TO GET IT TO GO INOT GEAR." For both complaints, the dealership confirmed Plaintiff's complaints and "USED GDS TO CONFIRM TORQUE CONVERTER CLUTCH APPLY SHUDDER PER BULLETIN# 18-NA-177. SHUDDER WAS PRESENT.... INSTRUCTED TO REPLACE TRANSMISSION FLUID. REMOVED TRANSMISSION FLUID PAN, CLEANED PAN & MAGNET AND RESINTALLED PAN. REFILLED TRANSMISSION FLUID AND TEST DROVE VEHICLE – SHUDDER STILL

PRESENT.... REMOVED TRANSMISSION, REPLACED TORQUE CONVERTER AND FLUSHED COOLER (FLUSH CODE CBFCEB4). REINSTALLED TRANSMISSION. FILLED WITH FLUID AND TEST DROVE VEHICLE SHUDDER GONE.” The vehicle was then returned to Plaintiff and remained unfixed.

22. Plaintiff’s vehicle continues to suffer from the Transmission Defect and has never been satisfactorily repaired.

23. At all times, Plaintiff, like all Class Members, has driven her vehicle in a foreseeable manner and in the manner in which it was intended to be used.

24. Neither Defendant nor any of its agents, dealers or other representatives informed Plaintiff of the existence of the Transmission Defect prior to purchase.

### **Defendant**

25. Defendant General Motors, LLC is a limited liability company organized under Delaware law with its principal office located at 300 Renaissance Center, Detroit, Michigan 48265.

26. Defendant is an automobile design, manufacturing, distribution, and service corporation doing business within the United States. Furthermore, Defendant, through its various entities, designs, develops, manufactures, distributes, markets, sells, leases, warrants, services, and repairs passenger vehicles throughout all fifty States under several prominent brand names, including but not limited to

Chevrolet, Buick, GMC, GM, and Pontiac (which include Class Vehicles).

27. GM sells vehicles through a network of authorized dealerships that are the agents of GM, and under extensive control of GM.

### **TOLLING OF STATUTES OF LIMITATIONS**

28. Any applicable statute(s) of limitations have been tolled by GM's knowing and active concealment and denial of the facts alleged herein. Plaintiff and the members of the Class could not have reasonably discovered the true, latent nature of the defective transmissions until shortly before this class action litigation was commenced.

29. GM was and remains under a continuing duty to disclose to Plaintiff and the members of the Class the true character, quality and nature of the Class Vehicles, that the Transmission Defect results from a poor design and/or failures in the manufacturing process, will require costly repairs, poses safety concerns, and diminishes the resale value of the Class Vehicles, in addition to causing Class members to pay out-of-pocket costs to repair their Vehicles. As a result of GM's active concealment, any and all applicable statutes of limitations otherwise applicable to the allegations herein have been tolled.

### **FACTUAL ALLEGATIONS**

#### **A. Brief Overview of the Class Vehicles' Transmissions**

30. The 6L50 transmission is a 6-speed automatic transmission designed

and manufactured by General Motors and was first introduced in the 2007 Cadillac STS and SRX vehicles with V-8 engines.

31. The engines in the Class Vehicles produce power and then send that power to the 6L50 automatic transmission. The transmission then takes that power and delivers it to the rear drive wheels of the Class Vehicle, while ensuring the engine stays within predetermined revolutions per minute (“RPMs”). The transmission also seeks to maximize the efficiency of the Class Vehicles’ engines by balancing fuel consumption and torque.

32. As background, transmissions use toothed gears that interact with each other to produce torque. The term “gear ratio” refers to the relationship between gears. For example, if an input gear has 20 teeth and it interacts with an output gear that has 10 teeth, the 10-tooth gear must spin twice to fully spin the 20-tooth gear. A gear ratio is then calculated by taking the number of teeth on the output gear and dividing it by the input gear. In this example, the gear ratio would be 1:2 (typically expressed as 0.5:1).

33. Automatic transmissions automate the switching of gears using multi-plate clutches, which adjust according the speed that the vehicle is traveling. Thus, instead of manually operating a clutch, the vehicle’s transmission constantly monitors and engages and disengages gears according to the speed at which the vehicle is moving. This is done through the use of fluid pressure, which provides the

necessary pressure to activate clutches and bands that in turn determines what gear to engage.

**B. The Defect in Class Vehicles**

34. The Class Vehicles were sold with a defective 6L50 Transmission that, among other things, slips, bucks, kicks, jerks and harshly engages; has premature internal wear, sudden acceleration, delay in downshifts, delayed acceleration and difficulty stopping the vehicle, and eventually suffers a catastrophic failure requiring replacement of the transmission.

**C. GM's Longstanding Knowledge of the Defect**

35. GM learned of the defective transmissions in 2014, if not earlier, and well before it began to sell and lease Class Vehicles, yet failed to disclose the Transmission Defect to Plaintiff and Class members through its advertising, including on vehicle window stickers or at the point of sale or lease.

36. GM, an experienced and sophisticated vehicle manufacturer, learned of the Transmission Defect through, *inter alia*, (1) records from the National Highway Traffic Safety Administration (“NHTSA”), (2) customer complaints, (3) its own records of customers’ complaints, (4) dealership repair records and requests for technical assistance, (5) warranty and post-warranty claims, (6) pre- and post-release internal durability testing, (7) Technical Service Bulletins, and (8) other various sources, yet failed to notify consumers prior to purchase of the nature and extent of

the Transmission Defect plaguing Class Vehicles, or provide any adequate post-purchase remedy.

**1. Complaints Lodged with NHTSA**

37. Federal law requires automakers like GM to be in close contact with NHTSA regarding potential auto defects, including imposing a legal requirement (backed by criminal penalties) compelling the confidential disclosure of defects and related data by automakers to NHTSA, including field reports, customer complaints, and warranty data. *See* TREAD Act, Pub. L. No. 106-414, 114 Stat. 1800 (2000).

38. Automakers, including GM, have a legal obligation to identify and report emerging safety-related defects to NHTSA under the Early Warning Report requirements. *Id.* Similarly, automakers, including GM, monitor NHTSA databases for consumer complaints regarding their automobiles as part of their ongoing obligation to identify potential defects in their vehicles, including safety-related defects. *Id.* Thus, GM knew or should have known of the many complaints about the Transmission Defect logged by NHTSA ODI, and the content, consistency, and large number of those complaints alerted, or should have alerted, GM to the Transmission Defect.

39. Starting in 2008, Cadillac CTS owners, whose vehicles were equipped with the same 6L50 transmission, complained to NHTSA regarding shifting anomalies including delayed acceleration followed by a sudden, unexpected increase

in speed. For example, on July 18, 2008, a CTS owner filed the following complaint with the National Highway Traffic Safety Administration (“NHTSA”):

**DATE OF INCIDENT:** July 17, 2008

**DATE COMPLAINT FILED:** July 18, 2008

**NHTSA/ODI ID:** 10234780

**SUMMARY:**

MY 2008 CADILLAC CTS V6 DI AWD HAS A DANGEROUS ACCELERATION LAG WHEN YOU STEP ON THE GAS TO PASS OR GET OUT OF THE WAY OF A HAZARD IN ROAD. THERE IS ABOUT A 1-2 SEC LAG BETWEEN STEPPING ON PEDAL AND RPM'S MOVING, AND ABOUT ANOTHER SECOND OR SO BEFORE ANY PICK UP HAPPENS. DOESN'T SOUND LIKE MUCH, BUT NO OTHER CAR I HAVE HAD, DID THIS. AT THE SPEED OF ONCOMING VEHICLES, A 1-2 SECOND LAG CAN MEAN A 30 - 60 YARDS OF DISTANCE BEING TRAVELED BY AN ONCOMING CAR OR TRUCK. THAT SIGHT FILLS UP REAR VIEW MIRROR FAST. IN MY OPINION, THIS IS A SERIOUS DESIGN FLAW AND POTENTIALLY DEATH CAUSING DEFECT. THIS HAPPENS ANYTIME I NEED QUICK ACCELERATION, AND IS ALSO HAPPENING IN OTHER CARS I TRIED AT DEALERSHIP TO SEE IF IT WAS JUST MINE. \*TR

Another CTS owner complained to NHTSA in 2010:

**DATE OF INCIDENT:** August 9, 2010

**DATE COMPLAINT FILED:** October 12, 2010

**NHTSA/ODI ID:** 10360085

**SUMMARY:**

....TL\*THE CONTACT OWNS A 2010 CADILLAC CTS. THE CONTACT STATED THAT WHEN SHE DEPRESSED THE ACCELERATOR PEDAL, THE VEHICLE WAS SLOW TO ACCELERATE. AFTER A FEW SECONDS, THE VEHICLE WOULD MOVE FORWARD AS IF IT HAD BEEN REAR-ENDS AND THEN THE SPEED WOULD INCREASE. THE FAILURE OCCURRED NUMEROUS TIMES. THE VEHICLE WAS TAKEN TO AN

AUTHORIZED DEALER SEVERAL TIMES BUT THE FAILURE COULD NOT BE DETERMINED. THE TRANSMISSION FLUID, PISTON, FILTER AND FUEL KIT WERE REPLACED BUT THE FAILURE OCCURRED. THE CONTACT CALLED THE MANUFACTURER WHO TOOK A COMPLAINT AND STATED THAT THEY WOULD TRY TO CORRECT THE PROBLEM. THE FAILURE MILEAGE WAS 1,819 AND THE CURRENT MILEAGE WAS 3,324.

Another CTS owner complained to NHTSA in 2013:

**DATE OF INCIDENT:** January 5, 2013

**DATE COMPLAINT FILED:** January 23, 2013

**NHTSA/ODI ID:** 10494477

**SUMMARY:**

....THE TRANSMISSION IS NOT SHIFTING RIGHT IT HAS A DELAY THEN SHIFTS VERY HARD. THE CAR IS VERY HARD TO DRIVE. \*TR

40. Cadillac CTS owners also reported premature, catastrophic transmission failure:

**DATE OF INCIDENT:** January 16, 2010

**DATE COMPLAINT FILED:** April 25, 2010

**NHTSA/ODI ID:** 10327348

**SUMMARY:**

FAILURE OF TRANSMISSION IN 2009 CTS CADILLAC WHILE DRIVING ON INTERSTATE HIGHWAY - PART REPLACED WITH NEW PART BY COMPANY. \*TR

**DATE OF INCIDENT:** March 25, 2015

**DATE COMPLAINT FILED:** May 19, 2015

**NHTSA/ODI ID:** 10717261

**SUMMARY:**

THE SPLINE ON THE TRANSMISSION STRIPPED OUT BECAUSE OF RUST AND I BELIEVE POOR WORKMANSHIP. THE VEHICLE

JUST WENT OUT OF WARRANTY TWO MONTHS AGO. IT WILL COST ME APROX. \$4000. TO REPAIR. POTENTIAL HAZZARD. IF I WERE ON THE INTERSTATE IT MAY HAVE CAUSED A TERRIBLE ACCIDENT. WHEN WILL GM HAVE A RECALL SO I CAN GET MY MONEY BACK?

**DATE OF INCIDENT:** April 3, 2017

**DATE COMPLAINT FILED:** January 23, 2013

**NHTSA/ODI ID:** 11000171

**SUMMARY:**

TL\* THE CONTACT OWNS A 2013 CADILLAC CTS. THE CONTACT STATED THAT THE VEHICLE COULD NOT BE SHIFTED INTO REVERSE AND HAD DIFFICULTY STOPPING. THE VEHICLE WAS TAKEN TO CAPITOL CADILLAC WHERE IT WAS DIAGNOSED THAT THE TRANSMISSION WAS DEFECTIVE DUE TO A LEAK AND NEEDED TO BE REPLACED. THE MANUFACTURER WAS NOTIFIED OF THE FAILURE AND INFORMED THE CONTACT THAT THE REMEDY WOULD BE AT HIS EXPENSE. THE CONTACT STATED THAT HE WAS NEVER NOTIFIED BY THE DEALER OF ANY TRANSMISSION ISSUES, EVEN THOUGH THE MANUAL STATED THAT THEY WERE SUPPOSED TO CHECK. THE FAILURE MILEAGE WAS APPROXIMATELY 93,000.

41. With respect to the Class Vehicles themselves, the following are but a few examples of the many complaints concerning the defect available through NHTSA's web site, [www.safercar.gov](http://www.safercar.gov). Many of the complaints reveal that GM, through its network of dealers and repair technicians, was made aware of the defective transmissions. In addition, the complaints indicate that despite having knowledge of the defect and the exact vehicles affected thereby, GM often refused to diagnose the defect or attempt to repair it while Class Vehicles were still under warranty. The comments reproduced below are but a sampling of available

complaints:

**2015 GMC Canyon**

a. **DATE OF INCIDENT:** May 1, 2015

**DATE COMPLAINT FILED:** June 30, 2015

**NHTSA/ODI ID:** 10731339

**SUMMARY:**

TRANSMISSION DOES NOT DOWN SHIFT AT SPEEDS BETWEEN 27 MPH AND 40 MPH, AT 30 MPH YOU HAVE TO PUT PEDAL TO THE FLOOR THEN IT WILL SHIFT AND TACHOMETER GOES AROUND 4000 AND TAKES OFF LIKE A DRAGSTER. WATCH OUT FOR THE GUY IN FRONT OF YOU! NOW HIT THE BRAKES, REAL CUTE. DEALER TESTED SAID YES IT DOES IT BUT WE NEED A TSB BEFORE WE CAN DO ANYTHING CALLED GMC THEY SAID FILE A COMPLAINT WITH NHTSA THAT I THINK IS PRETTY CUTE ALSO \$ 38000 AND YOUR TOLD TO FILE A COMPLAINT.

@CARCOMPLAINTS.COM PEOPLE ALREADY THERE COMPLAINING ALSO.

b. **DATE OF INCIDENT:** December 18, 2015

**DATE COMPLAINT FILED:** December 18, 2015

**NHTSA/ODI ID:** 10811142

**SUMMARY:**

VEHICLE SHIFTING LAGS AND HESITATES THEN ENGAGES ABRUPTLY CAUSING UNSAFE ACCELERATION. SPECIFICALLY ENTERING AN ON-RAMP. WHEN TRYING TO MERGE INTO TRAFFIC FROM A SLOWER RAMP SPEED TO JOIN HIGHWAY SPEEDS THE VEHICLE STRUGGLES TO FIND THE PROPER GEAR. IN ORDER TO OFFSET THIS PROBLEM THE DRIVER NEEDS TO DEPRESS THE ACCELERATOR FURTHER TO HELP THE TRANSMISSION DOWNSHIFT TO A LOWER GEAR. HOWEVER, DOING SO WHILE THE TRANSMISSION IS SEARCHING FOR THE PROPER GEAR CAUSES THE VEHICLE TO SUDDENLY LURCH FORWARD WITH MORE FORCE AND ACCELERATION THEN IS REQUIRED

OR SAFE. I HAVE BROUGHT MY TRUCK INTO THE DEALERSHIP TWICE FOR THIS ISSUE AND WAS TOLD THAT GM STATES THAT THIS IS THE NORMAL OPERATING CONDITIONS OF THE TRUCK. I FEEL THIS IS NOT AN ADEQUATE RESPONSE AND CERTAINLY DOES NOTHING TO ADDRESS THE SAFETY ISSUE OF A TRANSMISSION THAT DISENGAGES TO SEARCH FOR A PROPER GEAR AND THEN REENGAGES ABRUPTLY CAUSING THE DRIVER TO MAKE UNNECESSARY AND UNSAFE ADJUSTMENTS TO KEEP THE VEHICLE UNDER CONTROL.

- c. **DATE OF INCIDENT:** November 20, 2015  
**DATE COMPLAINT FILED:** January 28, 2016  
**NHTSA/ODI ID:** 10822934

**SUMMARY:**

VEHICLE UPSHIFTS TOO EARLY AT LOW SPEEDS REQUIRING ADDITIONAL ACCELERATOR INPUT THEN DOWNSHIFTS 2 GEARS TO COMPENSATE. THIS HAPPENS REGULARLY WHEN GOING AROUND 15-20 MILES AN HOUR UPHILL OR WHILE MAKING RIGHT TURNS WHILE VEHICLE IS IN MOTION. WHEN THE VEHICLE IS SEARCHING FOR THE CORRECT GEAR THE ACCELERATOR PEDAL IS NUMB FOR AT LEAST 2 SECONDS REQUIRING AT LEAST 90 PERCENT THROTTLE THEN IT FINALLY PICKS A LOW GEAR AND VIOLENTLY THROWS THE DRIVER AND PASSENGERS BACK AND ROARS TO LIFE. THE 2 OR MORE SECONDS OF HESITATION COULD BE VERY DANGEROUS IN AN EMERGENCY SITUATION WHEN QUICK ACCELERATION IS NEEDED. MY CONCERNS WERE VOICED TO BOWSER BUICK GMC ON 11/20/2015 DURING MY FIRST OIL CHANGE AND THEY PROVIDED ME WITH SERVICE BULLETIN #PIP5342 WHICH STATES "SHUDDER OR CHUGGLE WHEN ACCELERATING AT LOW SPEEDS OF 12-15 MPH IN SECOND GEAR IS NORMAL OPERATION OF THE AUTOMATIC TRANSMISSION AND THE TORQUE CONVERTER CLUTCH. NO REPAIR ATTEMPTS SHOULD BE ATTEMPTED TO ADDRESS THIS CONCERN" THEY REFUSED TO MAKE ANY REPAIRS AND SAID THAT I WAS ADDED TO A LIST OF OTHERS WITH SIMILAR COMPLAINTS.

d. **DATE OF INCIDENT:** August 8, 2015

**DATE COMPLAINT FILED:** February 26, 2016

**NHTSA/ODI ID:** 10838732

**SUMMARY:**

I WOULD JUST LIKE TO ADD MY TRUCK TO THE COMPLAINTS.

I AM AT 24000KM ON MY CANYON AND THE TRANSMISSION STILL HASN'T LEARNED ANYTHING.

THE TRANSMISSION PROBLEMS ARE THE EXACT SAME AS THE OTHER COMPLAINTS ON HERE.

ITS HORRIBLE AND UNSAFE DRIVING THIS TRUCK EVERYDAY IN THE CITY.

THIS ISSUE NEEDS TO BE TAKEN CARE OF BEFORE AN ACCIDENT DOES HAPPEN.

**ISSUE: TRANSMISSION PROGRAMMING**

e. **DATE OF INCIDENT:** October 30, 2015

**DATE COMPLAINT FILED:** March 15, 2016

**NHTSA/ODI ID:** 10849868

**SUMMARY:**

THE TRUCK CHUGS AND HESITATES RANDOMLY WHEN A DOWN SHIFT IS REQUIRED. GENERALLY THIS RANDOM HESITATION IS JUST ANNOYING. AT TIMES THE VEHICLE WILL NOT DOWNSHIFT FOR A CONSIDERABLE TIME. WHEN MAKING MANEUVERS IN AND AROUND TRAFFIC THE TRUCKS POOR SHIFTING CAUSES THE TRUCK TO JERK AND NOT ACCELERATE. WHEN THE TRUCK WILL EVENTUALLY DOES DOWN SHIFT THE GAS PEDAL MUST BE ALL THE WAY AT THE FLOOR AND ACCELERATES AT FULL SPEED. BULLETIN PIP5342A SUPPOSEDLY ADDRESSES THE CONCERN BUT SAYS IT IS NORMAL. GM TELLS THE DEALER NOT TO ATTEMPT TO FIX. I HAVE HAD MULTIPLE TIMES WHERE THIS PROBLEM HAS PUT ME AT RISK FOR AN

ACCIDENT.

f. **DATE OF INCIDENT:** April 16, 2016  
**DATE COMPLAINT FILED:** April 16, 2016  
**NHTSA/ODI ID:** 10859876  
**SUMMARY:**

WHILE DRIVING AT LOW SPEEDS THE TRANSMISSION SEEMS TO FLOAT BETWEEN GEARS AS IF TRYING TO FIND THE PROPER GEAR. NORMALLY IT TAKES SO LONG THAT I HAVE TO PUSH DOWN ON THE GAS TO FORCE THE TRUCK TO SHIFT. IT DOES TO A LOWER GEAR WHICH MAKES IT JUMP FROM THE EXCESS POWER. AT HIGH SPEEDS, PRESSING ON THE GAS PEDAL IS NON RESPONSIVE AS THE TRANSMISSION CONTINUES TO LOOK FOR THE RIGHT GEAR. A MANUAL FIX FOR SAFETY PURPOSES (ESPECIALLY IN TRAFFIC AND NEED AN ANSWER FROM MY TRANSMISSION) IS TO CHANGE IT TO MANUAL SHIFTING WHERE I CONTROL THE GEARS. THIS IS A BAND AID FIX AT THE MOMENT AND IS QUITE INTERESTING THAT I AM ABLE TO SHIFT MY VEHICLE BETTER THAN A COMPUTER. PLEASE LOOK INTO THIS ISSUE. I AM GOING TO TAKE IT TO THE DEALERSHIP BUT AS I READ IN THE NUMEROUS REPORTS FROM OTHER 2015 CANYON OWNERS....GMC IS NOT ADMITTING OR DOES NOT HAVE A FIX. THIS ISSUE OCCURS ALL THE TIME SO SELECTING A DATE OF WHEN THIS ISSUE HAPPENED IS NOT EFFECTIVE.

g. **DATE OF INCIDENT:** April 25, 2016  
**DATE COMPLAINT FILED:** April 25, 2016  
**NHTSA/ODI ID:** 10861242  
**SUMMARY:**

AT LOW SPEEDS, DOESN'T MATTER IF YOU ARE TURNING OR GOING STRAIGHT, THE TRANSMISSION WILL NOT SHIFT PROPERLY WHEN APPLYING PRESSURE TO THE GAS PEDAL. IT FEELS LIKE YOU ARE DRIVING A MANUAL TRANSMISSION IN 4TH GEAR WHEN IT SHOULD BE IN 2ND. WHEN IT DOES SHIFT, IT WILL DROP TWO GEARS AND YOU COULD BE ON TOP OF THE CAR IN FRONT OF YOU. THE

CANYON'S TRANSMISSION IS NOT PREDICTABLE AND COULD PUT YOU IN A DANGEROUS POSITION IN TRAFFIC. HAVE HAD THE VEHICLE AT THE DEALER WHERE THEY APPLIED AN UPDATE PER A GM BULLETIN, HELPED SOME BUT STILL HAVE THE PROBLEM. TRANSMISSION MAKES A TERRIBLE GRINDING/HOWLING NOISE AT LOW SPEED. GM SAYS THIS IS A NORMAL CHARACTERISTIC OF THIS TRUCK, I SAY IT IS DANGEROUS. GM NEEDS TO BETTER ADDRESS THIS PROBLEM THAN THEY HAVE. THIS HAPPENS EVERYDAY THE TRUCK IS DRIVEN.

h. **DATE OF INCIDENT:** June 7, 2016

**DATE COMPLAINT FILED:** June 7, 2016

**NHTSA/ODI ID:** 10873120

**SUMMARY:**

VEHICLE WILL NOT DOWN SHIFT WHEN SLOWING FROM A HIGHER SPEED AND THEN NEEDING TO ACCELERATE. VEHICLE WILL "CHUG" AND SQUAT UNTIL IT EVENTUALLY DOWN SHIFTS, OFTEN TIMES THROUGH TWO OR MORE GEARS CAUSING OVER ACCELERATION AND OVER REVVING OF ENGINE. COUPLE OF TIMES WHEN COMING TO FULL STOP AT STOP SIGN, VEHICLE STAYS IN 5TH OR 6TH GEAR UPON ACCELERATION FOR A FEW SECONDS AND THEN JUMPS GEARS TO PICK UP SPEED. DRIVING ON CRUISE IN MODERATE HILLS, VEHICLE WILL NOT DOWN SHIFT SOON ENOUGH UNTIL EVENTUALLY ENOUGH SPEED IS LOST THAT VEHICLE DOWN SHIFTS MULTIPLE GEARS FROM APPROXIMATELY 1800 RPM TO WELL OVER 3000. PROBLEM MANIFESTS ITSELF IN BOTH CITY AND HIGHWAY DRIVING.

i. **DATE OF INCIDENT:** August 10, 2015

**DATE COMPLAINT FILED:** July 7, 2016

**NHTSA/ODI ID:** 10883211

**SUMMARY:**

THE TRUCK DOES NOT SHIFT PROPERLY, I EXPERIENCE ROUGH SHIFTS. IT DOESN'T DOWNSHIFT, FEELS LIKE TRUCK IS MISFIRING, AND I EXPERIENCE SLOW THROTTLE RESPONSE. OVERALL I DON'T FEEL SAFE IN THIS TRUCK

AND SINCERELY REGRET MY PURCHASE. I'VE GIVEN THE TRANSMISSION A CHANCE TO BREAK IN AND LEARN, BUT IT'S A REAL PROBLEM. \*TR

j. **DATE OF INCIDENT:** May 25, 2016  
**DATE COMPLAINT FILED:** July 15, 2016  
**NHTSA/ODI ID:** 10885180  
**SUMMARY:**

THE TRANSMISSION DOES NOT DOWN SHIFT WHEN CLIMBING A SMALL HILL IN NORMAL TRAFFIC AT NORMAL SPEEDS. I CONSTANTLY HAVE TO USE THE MANUAL TRANSMISSION TO MAKE THE TRUCK DOWNSHIFT OR I HAVE TO PRESS ON THE GAS IN ORDER TO BRING THE RPM UP A LITTLE HIGHER USING MORE FUEL THAN REQUIRED. THIS IN ITSELF IS DANGEROUS SINCE I AM IN THE MIDDLE OF TRAFFIC. WHEN I PURCHASED THE TRUCK NONE OF THE RECALLS WERE ON CARAFE NOR DID THE DEALER INFORM ME THAT THIS VEHICLE TYPE AND MODEL HAS ALREADY HAD SEVERAL RECALLS AFFECTING ITS PERFORMANCE AND SAFETY. THERE IS ALSO SOMETHING WRONG WITH THE DEFROST SYSTEM WHETHER ITS ON HEAT OR COOL. THERE IS A RATTLING NOISE THAT CAN BE HEARD OVER THE FAN NOISE WHEN THE VEHICLE AIR CONDITIONER IS SWITCHED TO THE DEFROST MODE. I AM TRULY DISAPPOINTED AND VERY CONCERNED FOR MY SAFETY. GM SHOULD HAVE PULLED THIS VEHICLE OFF THE MARKET!

k. **DATE OF INCIDENT:** July 19, 2016  
**DATE COMPLAINT FILED:** August 1, 2016  
**NHTSA/ODI ID:** 10892191  
**SUMMARY:**

HAVE 20000 MILES ON TRUCK AND TRANSMISSION STILL DOES ACCELERATE SMOOTHLY. THERE IS HESITATION WHILE TRANSMISSION FINDS THE RIGHT GEAR. WHILE TOWING A TRAILER TRANSMISSION WILL ACCELERATE BUT NOT DEACCELERATE TILL I REDUCE SPEED MANUALLY. VERY DANGEROUS.

1. **DATE OF INCIDENT:** June 1, 2015

**DATE COMPLAINT FILED:** August 26, 2016

**NHTSA/ODI ID:** 10898995

**SUMMARY:**

I HAVE SAME COMPLAINT AS SEVERAL OTHERS IN THE NHTSA CUSTOMER COMPLAINT SECTION. BASICALLY THE TRANSMISSION FAILS TO DOWNSHIFT AT LOWER SPEEDS CAUSING THE VEHICLE TO HESITATE WHEN ACCELERATION IS NEEDED UNTIL IT DOWNSHIFTS APPROPRIATELY. PRESSING DOWN HARD ON THE ACCELERATOR WILL RESULT IN A DOWNSHIFT, BUT THIS IS A POTENTIALLY DANGEROUS MANEUVER IN CROWDED ROAD CONDITIONS. I HAVE ALSO GONE TO MANUAL TRANSMISSION MODE BUT THIS IS ALSO POTENTIALLY DANGEROUS IN CROWDED CONDITIONS AND CERTAINLY INCONVENIENT. SEEMS THE VOLUME OF THIS COMPLAINT WARRANTS A GMC RESPONSE.

m. **DATE OF INCIDENT:** May 29, 2015

**DATE COMPLAINT FILED:** October 4, 2016

**NHTSA/ODI ID:** 10913779

**SUMMARY:**

WHILE DRIVING AT A STEADY SPEED, WHEN ATTEMPTING TO LIGHTLY OR MODERATELY ACCELERATE, A LACK OF POWER IS NOTICED DUE TO TORQUE CONVERTER LOCKUP. ENGINE COMES CLOSE TO STALLING OUT. IN MAY 2016, I WAS INFORMED GM ENGINEERING WAS AWARE OF THE PROBLEM WERE WORKING ON A SOLUTION. DURING A FOLLOWUP VISIT IN SEPTEMBER 2016, I WAS INFORMED THAT GM NO LONGER CONSIDERED IT A PROBLEM AND WERE NO LONGER WORKING ON A SOLUTION. GM TAC # 8-2110571583. THERE HAS NOT BEEN A SPECIFIC ACCIDENT RELATED TO A LACK OF ACCELERATION WHEN EXPECTING TO ACCELERATE, THERE REMAINS THE POTENTIAL ESPECIALLY WHEN MERGING INTO FREEWAY TRAFFIC DURING PEAK TRAVEL TIMES. THE GM DISTRICT SERVICE MGR DROVE THE TRUCK AND INFORMED ME THAT THERE WAS NO ISSUE AS HE DROVE THE SAME VEHICLE TYPE AND

HAD THE SAME PERFORMANCE. PER RECENT GM MARKETING, THE 2017 GMC CANYON FEATURES A COMPLETELY RE-DESIGNED TRANSMISSION. I BELIEVE THIS ISSUE WITH THE TRANSMISSION IS A SAFETY ISSUE CAUSED BY A POORLY DESIGNED TRANSMISSION.

n. **DATE OF INCIDENT:** January 1, 2016

**DATE COMPLAINT FILED:** February 28, 2017

**NHTSA/ODI ID:** 10957494

**SUMMARY:**

TRUCK TRANSMISSION CAUSES DANGEROUS DRIVING CONDITIONS I HAVE SAME COMPLAINT AS SEVERAL OTHERS IN THE NHTSA CUSTOMER COMPLAINT SECTION. BASICALLY THE TRANSMISSION FAILS TO DOWNSHIFT AT LOWER SPEEDS CAUSING THE VEHICLE TO HESITATE WHEN ACCELERATION IS NEEDED UNTIL IT DOWNSHIFTS APPROPRIATELY. PRESSING DOWN HARD ON THE ACCELERATOR WILL RESULT IN A DOWNSHIFT, BUT THIS IS A POTENTIALLY DANGEROUS MANEUVER IN CROWDED ROAD CONDITIONS.

o. **DATE OF INCIDENT:** May 30, 2015

**DATE COMPLAINT FILED:** March 5, 2017

**NHTSA/ODI ID:** 10958722

**SUMMARY:**

BETWEEN 20 AND 40 MPH TRUCK FAILS TO SHIFT TO A LOWER GEAR AND INCREASE SPEED. THIS CAUSES THE DRIVER TO KEEP PRESSING ON THE GAS AND THEN VEHICLE DECIDES TO SHIFT TO A LOWER GEAR AND LURCHES FORWARD, IF YOU'RE IN TRAFFIC THIS IS WHEN THE VEHICLE IS MOST DANGEROUS AND IF THE WEATHER IS SEVERE (SNOW OR ICE) COULD CAUSE YOU TO LOOSE CONTROL OF VEHICLE. I'VE NOTIFIED GM THROUGH THEIR ASSISTANCE CENTER AND HAVE YET TO HEAR FROM A GM ENGINEER. THE SHIFTING PROBLEM IS WELL DOCUMENTED ON THE WEB.

p. **DATE OF INCIDENT:** May 26, 2016

**DATE COMPLAINT FILED:** March 7, 2017

**NHTSA/ODI ID:** 10959035

**SUMMARY:**

AUTOMATIC TRANSMISSION. WHEN GOING UP A SLIGHT INCLINE TRANSMISSION STALL ON DOWN SHIFTING. DRIVER MUST FLOAT THE GAS PEDDLE OR PRESS FOR ADDITIONAL ACCELERATION IN ORDER TO CLIMB A SLIGHT INCLINE ON REGULAR ROAD TRAFFIC . INCLINE COULD BE NO MORE THAN 15 DEGREES

- q. **DATE OF INCIDENT:** May 24, 2017

**DATE COMPLAINT FILED:** May 24, 2017

**NHTSA/ODI ID:** 10991537

**SUMMARY:**

THE TRUCK FALLS ON IT'S FACE WHEN ACCELERATING AFTER SLOWING DOWN. THE DEALERSHIP SAYS NOTHING IS WRONG. THIS IS A DANGEROUS SITUATION. I HAVE TALKED WITH OTHER CANYON OWNERS AND THEY HAVE THE SAME PROBLEM.

- r. **DATE OF INCIDENT:** August 16, 2017

**DATE COMPLAINT FILED:** August 17, 2017

**NHTSA/ODI ID:** 11016032

**SUMMARY:**

THE TRANSMISSION CAUSES DANGEROUS DRIVING CONDITIONS. I HAVE THE SAME COMPLAINT AS SEVERAL OTHERS HAVE REPORTED. THE TRANSMISSION FAILS TO DOWNSHIFT AT LOWER SPEEDS CAUSING THE HESITATION WHEN ACCELERATION IS NEEDED. PRESSING DOWN FURTHER ON THE ACCELERATOR WILL LUNGE FORWARD POSSIBLE INTO CROWDED ROAD WAY.

### **2016 GMC Canyon**

- s. **DATE OF INCIDENT:** August 1, 2016

**DATE COMPLAINT FILED:** September 27, 2016

**NHTSA/ODI ID: 10909896**

**SUMMARY:**

THE TRANSMISSION DOES NOT DOWNSHIFT FROM A HIGH GEAR (5 OR 6) TO A LOWER GEAR WHEN SLOWING DOWN FROM 45 MPH TO 20 MPH (OR LOWER). WHEN THE ACCELERATOR IS DEPRESSED TO ACCELERATE THE ENGINE BUCKS, VIBRATES, AND DOES NOT ACCELERATE. THE ENGINE RPM DROPS TO 1,000 RPM OR LOWER. IF THE ACCELERATOR IS QUICKLY FLOORED THE TRANSMISSION DOWNSHIFTS SEVERAL GEARS LOWER AND JERKS FORWARD. THIS CONDITION HAPPENS PRIMARILY ON SECONDARY ROADS WHILE DRIVING ALONG THE ROAD AND WHEN PULLING FROM ONE ROAD INTO TRAFFIC ON ANOTHER ROAD. THE SITUATION WHEN PULLING INTO TRAFFIC IS DANGEROUS BECAUSE THE TRUCK DOES NOT ACCELERATE AS IT SHOULD.

- t. **DATE OF INCIDENT:** September 26, 2016  
**DATE COMPLAINT FILED:** October 1, 2016  
**NHTSA/ODI ID:** 10910936  
**SUMMARY:**

I BOUGHT A BRAND NEW 2016 CANYON, TEST DRIVE WENT WELL, ALTHOUGH I ADMIT IT PROBABLY WASN'T LONG ENOUGH. PURCHASED ON SUNDAY, AND DURING THE NEXT WEEK DRIVING I BEGAN NOTICING THE TRANSMISSION WAS NOT SHIFTING AT THE PROPER TIMES. LIKE MOST PEOPLE ON HERE, THE TRANSMISSION APPEARS TO BE VERY CONFUSED , ESPECIALLY WHEN DECELERATING INTO THE 20-35 MPG RANGE AND ATTEMPTING TO RE-ACCELERATE BACK UP. IT WILL MISFIRE OR BE VERY UNRESPONSIVE, AND THEN CLUNK AND JERK YOU FORWARD ONCE IT DECIDES TO CHANGE GEARS.

IT ALSO DOES SOMETHING THAT I THINK IS EVEN MORE DANGEROUS WHEN YOU ARE GOING AROUND 30-40 MPG AND THEN SIMPLY LET OFF THE ACCELERATOR. IN THIS INSTANCE, I FEEL LIKE IT DOWNSHIFTS INSTANTLY AND IT FEELS LIKE THE TRUCK IS BEING PULLED BACK (INSTEAD

OF SIMPLY COASTING LIKE I WOULD WANT), AND THEN AT SOME POINT IT "RELEASES" FROM THIS AND THE TRUCK ACTUALLY STOPS DECELERATING AND SPEEDS UP A BIT, EVEN THOUGH THE GAS HAD BEEN RELEASED MANY SECONDS AGO. THIS IS PARTICULARLY DANGEROUS IN STOP AND GO CITY TRAFFIC.

I THINK THE OVERARCHING PROBLEM HERE IS THE SHIFT POINTS THAT THE ECM HAS DETERMINED (OR BEEN PROGRAMMED WITH). YOU CAN TELL THIS WHEN ACCELERATING FROM A STOP, MY TRUCK GETS TO THIRD GEAR BY 15 MILES PER HOUR AND NEVER GOES ABOVE 2K RPM'S??? I ADMIT I AM A BIT LIGHT-FOOTED ON DRIVING, WHICH COMPOUNDS THE PROBLEM BECAUSE I EVENTUALLY AM GIVING A SMALL AMOUNT OF ACCELERATION TO A TRUCK IN 4TH GEAR ONLY GOING 20 MPH, WHICH SUCK.

I HAVE ALSO READ THIS WAS A COMMON PROBLEM ON 15 CANYON (OBVIOUSLY READ AFTER PURCHASE), AND GMC EVENTUALLY CAME OUT WITH A FEW FIXES, INCLUDING ECM PATCH UPDATES OR LOWER VALVE REPLACEMENT. I IMAGINE THAT MANY OF THE 2016'S WERE ALREADY OFF THE LINE BY THE TIME THESE '15 FIXES CAME OUT (IN APRIL 15 I BELIEVE), BUT THE DEALERSHIPS HAVE NOT RECEIVED ANY OF THESE FOR THE 2016.

- u. **DATE OF INCIDENT:** September 20, 2016  
**DATE COMPLAINT FILED:** October 6, 2016  
**NHTSA/ODI ID:** 10914157  
**SUMMARY:**

TRANSMISSION HESITATES DRAMATICALLY BETWEEN SOME SHIFTS. LONG PERIODS WHERE TRANSMISSION SEEMS TO BE IN NEUTRAL. TYPICALLY HAPPENS IN LOWER GEARS, SUCH AS BETWEEN 2 AND 3 GEARS. PRESSING ACCELERATOR THEM CAUSES A CLUNK INTO GEAR. ALSO, ON HIGHER SPEEDS, DOWNSHIFTS ARE SLOW TO OCCUR BUT THEN SEVERAL GEARS SEEM TO BE SKIPPED WHEN THE DOWNSHIFT FINALLY OCCURS, WITH SCREAMING ENGINE

RPMS. THIS IS A 4 CYLINDER MODEL WITH 6 SPEED AUTOMATIC TRANS.

v. **DATE OF INCIDENT:** January 19, 2017  
**DATE COMPLAINT FILED:** November 1, 2016  
**NHTSA/ODI ID:** 10946477  
**SUMMARY:**

NOTICED A FEW DAYS AFTER I BOUGHT THE TRUCK IT SEEMS THE TRANSMISSION NEVER KNOWS WHAT GEAR TO BE IN. YOU CAN TAKE OFF FINE BUT WHEN YOU TRY TO ADD A LITTLE SPEED, DOES NOTHING UNTIL A FEW MORE INCHES OF PEDAL IS APPLIED THEN IT ACCELERATES WAY TO FAST, ALMOST HIT THE CAR IN FRONT SEVERAL TIMES. ALSO, COMING OUT OF U-TURN OR FREEWAY UNDERPASS, SEEMS TO BE STUCK IN 6TH GEAR, HAVE TO DANG NEAR FLOOR IT TO GET IT TO ACCELERATE , ALL THE WHILE FOLKS ARE TRYING NOT TO HIT ME FROM BEHIND SINCE I AM NOT MOVING VERY WELL. FREEWAY DRIVING, SAME ISSUES, SAY YOU ARE AT 60MPH AND TRAFFIC CLEARS AND YOU TRY TO ADD A LITTLE PEDAL TO GET TO 65-70, I HAVE TO PUSH DOWN 2-3 INCHES BEFORE ANYTHING HAPPENS. SAME WHEN DRIVING 30 THEN TRYING TO GO TO 45, SHUDDERS AND STUMBLES LIKE A MANUAL TRANSMISSION VEHICLE WOULD IN 5TH GEAR @ 30MPH. YOU HAVE TO REALLY STAY ON THE GAS AND DRIVE HARD TO FOR IT TO DO ANY BETTER. I TOOK BACK TO THE DEALER UNDER WARRANTY AND WAS TOLD THIS IS NORMAL ACCORDING TO GMC TECH SUPPORT. NOT. I HAVE BEEN DRIVING 45 YEARS, MANY DIFFERENT CARS, AND THIS IS IN NO WAY NORMAL. IT IS NOT ONLY AGGRAVATING BUT QUITE DANGEROUS. FROM WHAT I HAVE SEEN ONLINE, THIS IS A VERY COMMON COMPLAINT. SHOULD TAKE NO MORE THAN SOME RE-PROGRAMMING OF THE SHIFT POINTS AND THROTTLE POSITION SENSOR. \*TR

w. **DATE OF INCIDENT:** March 11, 2016  
**DATE COMPLAINT FILED:** January 20, 2017

**NHTSA/ODI ID:** 10946712

**SUMMARY:**

TL\* THE CONTACT OWNS A 2016 GMC CANYON. WHILE DRIVING APPROXIMATELY 10 TO 40 MPH, THE VEHICLE SHOOK UNCONTROLLABLY WITHOUT WARNING. THE DEALER DIAGNOSED THE VEHICLE AS HAVING TRANSMISSION FAILURE. THE MANUFACTURER WAS NOTIFIED. THE VEHICLE WAS NOT REPAIRED. THE MANUFACTURER ISSUED A LETTER RELATED TO THE ISSUE (PIP 5342A, DATED 12/21/2015). THE APPROXIMATE FAILURE MILEAGE WAS 250. ...UPDATED03/06/17 \*BF

x. **DATE OF INCIDENT:** January 22, 2017

**DATE COMPLAINT FILED:** January 31, 2017

**NHTSA/ODI ID:** 10948716

**SUMMARY:**

WHEN ATTEMPTING TO TURN LEFT ONTO A HIGHWAY FROM A STOP SIGN, THE TRANSMISSION FAILED TO ENGAGE, WITH A 2-SECOND DELAY BEFORE ENGAGING AND ACCELERATING INTO THE TURN. AS A RESULT OF THE DELAY, I WAS NEARLY HIT BY ONCOMING TRAFFIC. THIS VEHICLE MODEL, 2016 GMC CANYON, HAS A HISTORY OF NOT BEING IN THE PROPER GEAR WHEN STOPPED OR MOVING AT SPEEDS BELOW 3-5 MPH. THIS ISSUE HAS HAPPENED TO ME OVER 100 TIMES IN THE FIRST 6 MONTHS OF OWNERSHIP, BUT THIS WAS THE FIRST TIME I NEARLY HAD A DANGEROUS COLLISION. GMC SHOULD CORRECT THIS PROBLEM WITH THE TRANSMISSION NOT BEING IN THE PROPER GEAR FOR BEING STOPPED OR FOR EXTREMELY LOW SPEEDS. \*TR

y. **DATE OF INCIDENT:** September 2, 2016

**DATE COMPLAINT FILED:** February 25, 2017

**NHTSA/ODI ID:** 10956908

**SUMMARY:**

THE TRANSMISSION DOES NOT SHIFT PROPERLY, WHEN YOU SLOW DOWN FROM APPROX 40 TO 20 THEN STEP ON

THE GAS THE TRUCK HAS A LONG HESITATION. IT IS VERY UNSAFE AND IS GOING TO CAUSE AN ACCIDENT. THE TRUCK WANTS TO STALL OUT UNLESS YOU FLOOR IT.

**z. DATE OF INCIDENT:** June 10, 2017

**DATE COMPLAINT FILED:** June 16, 2017

**NHTSA/ODI ID:** 10995572

**SUMMARY:**

TRANSMISSION SEEMS TO BE CONFUSED. IT WILL HESITATE DURING ACCELERATION AND SHIFT UP AND DOWN WHILE COASTING. MOST SLUGGISH SHIFTING OCCURS DURING LOWER SPEEDS. IT ALSO HAS A HABIT OF DOWNSHIFT TO LOW GEAR WHILE COASTING DOWNHILL. ALWAYS SEEMS TO BE FIGHTING WITH ITSELF!

**aa. DATE OF INCIDENT:** June 20, 2017

**DATE COMPLAINT FILED:** June 20, 2017

**NHTSA/ODI ID:** 11000140

**SUMMARY:**

UNPREDICTABLE ACCELERATION LIMITS DRIVERS ABILITY TO SAFELY MERGE WITH TRAFFIC OR CHANGE LANES. VEHICLE CAN TAKE UP TO 3 SECONDS TO BEGIN ACCELERATION AFTER GAS PEDAL IS PRESSED AND THEN CAN SURGE UNPREDICTABLY. I HAVE SEEN THIS ISSUE REPORTED IN GMC FORUMS BY OTHERS. GMC SAYS THERE IS NOTHING WRONG.

**bb. DATE OF INCIDENT:** May 12, 2017

**DATE COMPLAINT FILED:** August 18, 2017

**NHTSA/ODI ID:** 11016232

**SUMMARY:**

TL\* THE CONTACT OWNS A 2016 GMC CANYON. ON SEVERAL OCCASIONS, WHILE DRIVING, THE ACCELERATOR PEDAL WAS DEPRESSED AND THE VEHICLE FAILED TO RESPOND. THE CONTACT STATED THAT THE VEHICLE WOULD THEN SHIFT INTO GEAR EXTREMELY HARD. THE VEHICLE WAS TAKEN TO RIMROCK GMC CADILLAC (LOCATED AT 840

SHILOH ROAD, BILLINGS, MT 59106 (406) 651-5000) TO BE DIAGNOSED. THE MECHANIC WAS UNABLE TO RETRIEVE A FAULT CODE OR DUPLICATE THE FAILURE. THE MANUFACTURER WAS NOTIFIED OF THE FAILURE. THE APPROXIMATE FAILURE MILEAGE WAS 11,635.

**cc. DATE OF INCIDENT:** December 6, 2017

**DATE COMPLAINT FILED:** December 6, 2017

**NHTSA/ODI ID:** 11052870

**SUMMARY:**

SLOW AND GO DRIVING 20-40MPH AFTER COASTING AND TRYING TO ACCELERATE AGAIN THE TRANSMISSION BUCKS HESITATES TRYING TO FIND A LOWER GEAR. IT CAN'T DECIDE WHICH GEAR TO GO INTO AND JUST SPUTTERS AND CHUGS UNTIL I PUSH THE ACCELERATOR 1/2 WAY DOWN OR MORE THE FINDS ITS GEAR AND ROCKETS OFF. THIS TYPE OF DRIVING NOT SAFE AT ALL.

THIS HAPPENS ALL THE TIME SINCE PRACTICALLY NEW. GM CLAIMS ITS NORMAL. BULLETINS TO NOT FIX ANYTHING EXCEPT UPDATE THE SOFTWARE. THAT DOESN'T ACCOMPLISH ANYTHING.

THIS IS A KNOWN GM ISSUE WITH COLORADOS AND CANYONS AND GM CHANGED TRANSMISSIONS FOLLOWING YEARS AND NO SUPPORT FOR 2015-16

### **2017 GMC Canyon**

**dd. DATE OF INCIDENT:** February 12, 2017

**DATE COMPLAINT FILED:** February 19, 2017

**NHTSA/ODI ID:** 10955469

**SUMMARY:**

2/12/2017 7:30AM STOPED @ 4 WAY STOP, STARTED ACROSS TRANSMISSION WENT INTO NEUTRAL, LEFT ME STUCK IN ROAD, COULD NOT GET TRANSMISSION TO ENGAGE IN DRIVE OR REVERSE, HAD TO PUSH OUT OF ROAD, TRIED SEVERAL MIN TO ENGAGE TRANSMISSION FAILED, CALLED

AAA TO TOE BACK TO DEALER. DEALER KEPT 2 1/2 DAYS SAID COULD NOT FIND A PROBLEM.

ee. **DATE OF INCIDENT:** February 5, 2018  
**DATE COMPLAINT FILED:** April 10, 2018  
**NHTSA/ODI ID:** 11066252  
**SUMMARY:**

2017 GMC CANYON. CONSUMER WRITES IN REGARDS TO TRANSMISSION ISSUE. \*LD

THE CONSUMER STATED THE DEALER INITIALLY COULD NOT DUPLICATE THE FAILURE. THE VEHICLE WAS LATER LEFT WITH THE DEALER TO ATTEMPT TO DUPLICATE THE FAILURE. THE POWER STEERING, TRACTION CONTROL, AND STABILITY MESSAGES APPEARED. \*JS

#### **2015 Chevrolet Colorado**

ff. **DATE OF INCIDENT:** August 19, 2015  
**DATE COMPLAINT FILED:** September 12, 2015  
**NHTSA/ODI ID:** 10763331  
**SUMMARY:**

PURCHASED 2015 COLORADO IN AUGUST. WHILE DRIVING IT I HAVE NOTICED THERE IS A PROBLEM WITH THE TRANSMISSION AND ENGINE SYNCHRONIZATION BETWEEN DOWN SHIFTING AND MAINTAINING PROPER RPM'S. WHEN DRIVING A STEADY SPEED IN TRAFFIC AND YOU NEED TO SPEED UP A LITTLE THE TRANSMISSION DOES NOT DOWN SHIFT. WHEN YOU GIVE IT GAS TO SPEED UP THE ENGINE THE RPM'S ARE TO LOW AND THE ENGINE BUCKS AND IS LUGGING VERY BADLY. YOU ARE AT A POINT IT FEELS LIKE IT WILL STALL. THIS LUGGING HAS TO BE BAD FOR ENGINE. IF YOU PRESS DOWN HARDER ON THE ACCELERATOR THE TRANSMISSION WILL DOWN SHIFT SUDDENLY AND THE TRUCK WILL SURGE FORWARD QUICKLY. I HAVE ALMOST RUN INTO THE REAR OF VEHICLES WHILE IN TRAFFIC AND TRYING TO MAINTAIN FLOW SPEED.

gg.**DATE OF INCIDENT:** December 1, 2014

**DATE COMPLAINT FILED:** October 2, 2015

**NHTSA/ODI ID:** 10779191

**SUMMARY:**

PURCHASED TRUCK IN NOVEMBER 2014. CREW CAB Z71. HAD PROBLEMS RIGHT AT 200 MILES. THEY SAID THE TRANSMISSION HAS TO LEARN MY STYLE OF DRIVING. AT 2,000 MILES TRANSMISSION AND ENGINE STILL DON'T TALK TO EACH OTHER. I CAN ACCELERATE AND 5 SECONDS OR MORE LATER THE TRANSMISSION REACTS. IN HEAVY TRAFFIC, A COUPLE OF CARS GET BETWEEN ME AND THE CAR I WAS FOLLOWING BEFORE IT REACTS AND I HAVE TO SLAM THE BREAK. ALWAYS SEEMS TO BE IN THE WRONG GEAR. WILL CHUG A LOT UNTIL IT GETS UP TO THE SPEED FOR THAT GEAR. TOOK IT TO DEALER AT OIL CHANGE AND THEY RESET THE CONTROL MODULE. AFTER 2,000 MORE MILES, TOOK IT BACK BECAUSE IT STILL ACTED THE SAME WAY. TOOK TECH ON DRIVE AND WAS ABLE TO DUPLICATE ALL MY CONCERNs. HE SAID THAT THERE WAS NOTHING HE CAN DO AND THAT I NEEDED TO WAIT FOR ECM CALIBRATION FROM GM. HE SAID HE FELT BAD FOR ME. SURELY I WILL GET IN AN ACCIDENT BECAUSE OF THIS SLOW TRANSMISSION THAT IS ALWAYS IN THE WRONG GEAR. CURRENTLY I AM AT 7,000 MILES. THE ONLY THING THE TECH COULD SAY WAS NOT TO DRIVE IT IN STOP AND GO TRAFFIC....SERIOUSLY. CLEARLY THIS ADAPTIVE TRANSMISSION IS BULL CRAP AND GM PROBABLY KNOWS THEY HAVE A PIECE OF CRAP PROGRAMMING BUT CAN'T FIGURE IT OUT. PLEASE FIGURE OUT THIS SHIFTING PROBLEM, BECAUSE OTHER THAN THIS THE TRUCK IS NICE...TOO BAD, BECAUSE IF THEY DON'T SOMEONE WILL GET IN AN ACCIDENT AND HOPEFULLY IT WILL NOT BE FATAL. GET REAR ENDED BECAUSE IT DOESN'T ACCELERATE WHEN YOU NEED IT TO, OR IT FINALLY MOVES WHEN YOU ARE NEEDING TO BREAK. FIX THIS NOW OR AT SOME POINT YOU WILL PAY BIG....

hh.**DATE OF INCIDENT:** February 2, 2015

**DATE COMPLAINT FILED:** October 5, 2015

**NHTSA/ODI ID: 10779723**

**SUMMARY:**

THE TRANSMISSION WON'T DOWNSHIFT WHILE TRYING TO ACCELERATE AFTER SLOWING DOWN. THE TRUCK WILL START TO VERY NOTICEABLY CHUG AND JERK AND NOT WANT TO GO FROM NOT DOWNSHIFTING WHEN BRAKING AND THEN TRYING TO ACCELERATE. I HAVE BEEN CLOSE TO GETTING REAR ENDED WHEN THIS HAPPENS AND TO AVOID IT I HAVE TO STOMP ON THE GAS PEDAL WHICH THEN CAUSES IT TO JERK ERRATICALLY FROM DOWNSHIFTING TOO FAR AND CAUSING ME TO ACCELERATE TOO FAST AND ALMOST REAR ENDING THE VEHICLE IN FRONT OF ME. THIS HAPPENS EVERY TIME I SLOW DOWN TO GO AROUND SOMEONE TURNING OR SLOWING DOWN TO STOPPED TRAFFIC AND THEN ACCELERATING AGAIN. WHILE DRIVING WITH MY WIFE AT AROUND THE 200 MILE MARK IT STARTED CHUGGING BADLY AND SHE THOUGHT WE WERE BREAKING DOWN. IT IS VERY EMBARRASSING WHEN SOMEONE IS RIDING WITH ME BECAUSE NO VEHICLE SHOULD ACT LIKE THIS. GM SHOULD BE ASHAMED OF THEMSELVES. I HAVE ABOUT 10,500 MILES ON MY TRUCK RIGHT NOW AND THIS ISSUE HAS BEEN A SERIOUS ISSUE SINCE I DROVE IT OFF THE LOT BRAND NEW. TOOK IT TO THE DEALER AND THEY SAID IT SHOULD TAKE A COUPLE SECONDS TO SHIFT FROM GEAR TO GEAR. ITS FUNNY BECAUSE I HAVE DRIVEN A LOT OF VEHICLES AND NONE OF THEM HAVE DONE THAT OR TOOK THAT LONG TO SHIFT. I KNOW THE TRANSMISSION IS SUPPOSED TO ADAPT TO YOUR DRIVING...WHICH SEEMS VERY UNNECESSARY TO ME BUT OBVIOUSLY IT IS NOT WORKING OUT FOR THE COLORADOS. ADAPTIVE TRANSMISSIONS NEED TO GO AND PUT A FIRM SPORTY SHIFTING TRANSMISSION IN THESE TRUCKS.

ii. **DATE OF INCIDENT:** November 5, 2015

**DATE COMPLAINT FILED:** November 13, 2015

**NHTSA/ODI ID: 10790182**

**SUMMARY:**

WHEN STARTING UP A HILL, AT A SLOW SPEED, THE TRANSMISSION, WILL HESITATE, ALMOST STOP, UNTIL THE GAS PEDAL IS PUSHED DOWN TO GET THE VEHICLE MOVING.

THIS IS AN ONGOING PROBLEM, I HAVE BEEN TOLD BY DEALER, THAT THE TRANSMISSION IS ADAPTING TO MY DRIVING STYLE, AND WILL SOON IMPROVE.

**jj. DATE OF INCIDENT:** January 22, 2016  
**DATE COMPLAINT FILED:** January 22, 2016  
**NHTSA/ODI ID:** 10821812  
**SUMMARY:**

LIKE MANY OF THE OTHER COMPLAINTS LISTED FOR THIS VEHICLE. THIS PROBLEM ROUTINELY AND REPEATEDLY OCCURS ON BOTH STREET AND HIGHWAY DRIVING. AFTER SLOWING DOWN AND DEPRESSING THE ACCELERATOR, THE AUTOMATIC TRANSMISSION WILL STUMBLE AND HESITATE. BECAUSE THE VEHICLE WON'T READILY ACCELERATE, THE GAS PEDDLE IS DEPRESSED FURTHER AND THEN THE AUTOMATIC TRANSMISSION WILL DOWNSHIFT TOO MANY GEARS AND EXCESSIVE ACCELERATION AND ENGINE RPM FOLLOWS. THIS PROBLEM CAUSES EXCESSIVE ACCELERATION, WHICH COULD PLACE THE VEHICLE AND ITS OCCUPANTS INTO AN UNSAFE TRAFFIC SITUATION AND POTENTIALLY CAUSE ACCIDENT AND/OR INJURY. THE DEALER SERVICE WRITER WAS ASKED ABOUT THIS SITUATION AND RESPONDED THAT "THE TRANSMISSION WAS SEEKING THE BEST GEAR TO MAXIMIZE GASOLINE MILEAGE PERFORMANCE", WHICH REALLY DOESN'T SEEM TO MAKE SENSE IN THIS SITUATION.

**kk. DATE OF INCIDENT:** January 28, 2016  
**DATE COMPLAINT FILED:** January 28, 2016  
**NHTSA/ODI ID:** 10822894  
**SUMMARY:**

WHEN DRIVING AT LOW SPEEDS, IT FEELS LIKE THE TRANSMISSION IS IN THE WRONG GEAR, BECAUSE WHEN YOU NEED A FAST ACCELERATION, THE CAR BUCKS AND ALMOST FEELS LIKE IT'S GOING TO STALL. IT SEEMS LIKE IT IS SEARCHING FOR THE RIGHT GEAR AND THEREFORE IT TAKES TIME TO REACT. I HAVE BEEN ON A FEW CLOSE CALLS, ALMOST GOT INTO AN ACCIDENT A COUPLE OF TIMES BECAUSE OF THIS BUCKING AND DELAY ON REACTING WHEN YOU NEED TO GET THE POWER FROM THE ENGINE.

11. **DATE OF INCIDENT:** April 1, 2015  
**DATE COMPLAINT FILED:** April 7, 2016  
**NHTSA/ODI ID:** 10854011  
**SUMMARY:**

SIMILAR TO OTHER COMPLAINTS, THE VEHICLE NEARLY STALLS WHEN TAKING OFF FROM A STOP. THE TRANSMISSION IS IN THE WRONG GEAR AND THE ACCELERATION IS VERY LIMITED UNLESS THE GAS PEDAL IS PUSHED DOWN FULLY. THIS CAUSES A VERY DANGEROUS SITUATION PARTICULARLY WHEN TURNING LEFT AT INTERSECTIONS AS THE VEHICLE WILL NEARLY STALL OR MOVE AT A VERY SLOW PACE.

mm. **DATE OF INCIDENT:** July 1, 2015  
**DATE COMPLAINT FILED:** May 5, 2016  
**NHTSA/ODI ID:** 10863329  
**SUMMARY:**

VEHICLE BUCKS AND HESITATES WHEN PRESSING GAS PEDAL RIDING IN 6TH GEAR AT SPEEDS UP TO 50MPH. IF YOU GIVE IT GAS IT GETS WORSE AND FINALLY AFTER 5 SECS IT WILL DOWN SHIFT 2 OR 3 GEARS AND GO WAY TO FAST. I HAVE TAKEN IT TO DEALER TWICE AND THEY SAID TRANSMITION WAS STILL IN LEARNING MODE AND SHOULD CLEAR UP. WELL ITS AT 15,000 MILES AND STILL HAS PROBLEM. IF I PUT IT TOW MODE IT DOES NOT HAPPEN...SHIFT POINT CALIBRATION IS NEEDED BADLY ON

**THIS TRUCK**

**nn.DATE OF INCIDENT:** June 29, 2016

**DATE COMPLAINT FILED:** June 29, 2016

**NHTSA/ODI ID:** 10881541

**SUMMARY:**

TL\* THE CONTACT OWNS A 2015 CHEVROLET COLORADO. WHILE DRIVING VARIOUS SPEEDS, THE ACCELERATOR PEDAL WAS DEPRESSED BUT THE VEHICLE HESITATED BEFORE ACCELERATING. THE FAILURE REURRED ON NUMEROUS OCCASIONS. THE VEHICLE WAS TAKEN TO A DEALER WHERE IT WAS DIAGNOSED THAT THE VEHICLE FUNCTIONED AS INTENDED. THE VEHICLE WAS NOT REPAIRED. THE MANUFACTURER WAS NOTIFIED OF THE FAILURE. THE FAILURE MILEAGE WAS 6,000.

**oo.DATE OF INCIDENT:** October 1, 2015

**DATE COMPLAINT FILED:** July 1, 2016

**NHTSA/ODI ID:** 10882109

**SUMMARY:**

TL\* THE CONTACT OWNS A 2015 CHEVROLET COLORADO. AFTER THE VEHICLE WAS STARTED, IT HESITATED TO ACCELERATE FORM A STOP. THE FAILURE REURRED THREE TIMES. THE VEHICLE WAS TAKEN TO A LOCAL DEALER WHERE THE TECHNICIAN STATED THAT THE TRANSMISSION NEEDED TO BE SERVICED. THE VEHICLE WAS REPAIRED. AFTER THE REPAIR, THE VEHICLE EXPERIENCED OCCASIONAL STALLING. THE VEHICLE WAS NOT DIAGNOSED OR REPAIRED. THE MANUFACTURER WAS NOTIFIED OF THE FAILURE. THE FAILURE MILEAGE WAS 18,000. ...UPDATED 09/14/16 \*BF

**pp.DATE OF INCIDENT:** July 3, 2015

**DATE COMPLAINT FILED:** July 5, 2016

**NHTSA/ODI ID:** 10882628

**SUMMARY:**

TRUCK TRANSMISSION DOES NOT DOWN SHIFT WHEN

SLOWING DOWN AT TIMES OR WHEN TAKING OFF FROM A STOP LIGHT. RETURNED TO DEALER TWICE AND SECOND TIME THEY DID A SOFTWARE UPDATE BUT STILL DOING SAME PROBLEM. DEALER SAY'S TRUCK NORMAL. WAITING FOR AN ACCIDENT BECAUSE TRANSMISSION WILL NOT SHIFT CORRECTLY ALSO NOT SHIFTING CORRECTLY AT TIMES WHEN PASSING OTHER VEHICLES.

qq. **DATE OF INCIDENT:** July 5, 2016

**DATE COMPLAINT FILED:** July 8, 2016

**NHTSA/ODI ID:** 10883521

**SUMMARY:**

HESITATION WHEN ACCELERATING BAD ALMOST GOT IN WRECK TOOK TO CHEVY DEALER THEY KNOW ABOUT IT WOULD NOT DO ANYTHING ABOUT IT ONLY HAS 9050 MILES ON IT.

IN MOTION.

rr. **DATE OF INCIDENT:** August 31, 2015

**DATE COMPLAINT FILED:** July 19, 2016

**NHTSA/ODI ID:** 10886017

**SUMMARY:**

WHEN STOPPED OR MAINTAINING A LOW SPEED (E.G. IN TRAFFIC) WHEN THE ACCELERATOR IS SLIGHTLY PRESSED THE TRUCK WILL HESITATE AND HAVE A SLIGHT JERKING MOTION. WILL NEED TO ALMOST FULL PRESS THE ACCELERATOR TO GET THE TRUCK MOVING. BROUGHT THE TRUCK TO THE DEALER ON 3 SEPARATE OCCASIONS JUST FOR THEM TO SAY THAT THERE IS NOTHING WRONG AND THAT HESITATION & JERKING IS "NORMAL". THE "NORMAL" DIAGNOSIS DROVE ME TO DO SOME RESEARCH ON THIS ISSUE AND COME TO FIND OUT THAT OTHER PEOPLE WITH THE SAME MAKE, MODEL, YEAR ARE HAVING THE SAME ISSUES. I HAVE NOTICED THIS ISSUE SINCE I HAD PURCHASED THE VEHICLE BACK IN AUGUST 2015.

ss. **DATE OF INCIDENT:** December 20, 2015

**DATE COMPLAINT FILED:** October 30, 2017

**NHTSA/ODI ID:** 11041135

**SUMMARY:**

WHEN SLOWING DOWN AND THEN ACCELERATING AFTERWARD WHILE IN TRAFFIC THE VEHICLE DOES NOT DOWN SHIFT TO THE CORRECT GEAR. THE VEHICLE WILL THEN SPUTTER AND WILL BE VERY SLUGGISH TO ACCELERATE. THIS HAPPENS WHILE IN MOTION AS WELL AS FROM A COMPLETE STOP. I WAS NEARLY REAR ENDED WHILE MAKING A RIGHT TURN INTO TRAFFIC AND THE TRUCK WOULD NOT FIND THE CORRECT GEAR AND THUS WOULD NOT ACCELERATE ENOUGH TO GET OUT OF THE WAY FROM ONCOMING TRAFFIC. SEVERAL TIMES I THOUGHT THAT THE TRUCK WAS GOING TO KILL BECAUSE IT WAS SPUTTERING SO MUCH WHEN IN THE INCORRECT GEAR....

tt. **DATE OF INCIDENT:** November 25, 2015

**DATE COMPLAINT FILED:** November 3, 2017

**NHTSA/ODI ID:** 11043056

**SUMMARY:**

WHEN DRIVING MY 2015 COLORADO Z71 4X4 WITH THE V6, IN CITY TRAFFIC, YOU TRY TO SPEED UP SLIGHTLY SO YOU DEPRESS THE THROTTLE AND THE TRUCK DOESN'T GO ANY FASTER, THEN THE TRUCK WILL DOWNSHIFT TWO GEARS, LURCH FORWARD AT HIGH RPM'S NEARLY STRIKING THE VEHICLE IN FRONT OF YOU. THE ENGINE ALSO SPARK KNOCKS WHEN UP SHIFTING IN ALL GEARS. TOOK IT TO DEALERSHIP AND WAS TOLD, GM ENGINEERS WERE AWARE OF THE PROBLEM AND WORKING ON IT, IT APPEARS THEY FIXED IT WITH THE 2017 COLORADO AS THEY PUT A DIFFERENT ENGINE AND 8 SPEED TRANSMISSION IN THE NEW TRUCKS. IF THERE WAS NOTHING WRONG WITH THE ORIGINAL POWER PLANT AND TRANSMISSION WHY WOULD THEY CHANGE ESPECIALLY SINCE THE NEW ENGINE TRANSMISSION DOESN'T GET ANY BETTER MILEAGE. ALSO, WHEN DRIVING AT HIGHWAY SPEED, 75 MPH THE TRUCK DOWNSHIFTS ON IT'S OWN, THE RPM'S GO ALMOST TO

REDLINE AND IF SOMEONES IN BACK OF YOU, YOU ALMOST GET REAR ENDED. GM SAYS THAT THE TRANSMISSION IS LEARNING, REALLY AT 17000 MILES ITS STILL LEARNING. THERE IS A SIGNIFICANT PROBLEM WITH THE SHIFT PATTERN AND TIMING WITH THE ENGINE ON THIS TRUCK. THE SPARK KNOCK AND TRANSMISSION ISSUES HAVE BEEN GOING ON SINCE THE TRUCK WAS NEW.

### **2016 Chevrolet Colorado**

**uu.DATE OF INCIDENT:** March 2, 2016

**DATE COMPLAINT FILED:** March 3, 2016

**NHTSA/ODI ID:** 10839703

**SUMMARY:**

TRANSMISSION DOES NOT DOWNSHIFT PROPERLY FROM UPPER GEARS (5,6) TO LOWER RANGE WHEN DECELERATING FROM 40 + MPH TO UNDER 20 MPH. VEHICLE WILL EXHIBIT LOSS OF POWER FROM BEING IN TOO HIGH OF A GEAR RANGE, CAUSING "CHUGGING", AND THEN A SUDDEN BURST OF POWER AS YOU TRY TO ACCELERATE. DEALER RESET ECM FOR TRANSMISSION; PROBLEM PERSISTS. TYPICALLY OCCURS ON RESIDENTIAL OR NON-FREEWAY STREETS, BUT HAS HAPPENED ENTERING A FREEWAY ENTRANCE RAMP.

**vv.DATE OF INCIDENT:** April 14, 2016

**DATE COMPLAINT FILED:** April 17, 2016

**NHTSA/ODI ID:** 10859928

**SUMMARY:**

WHILE DRIVING THE VEHICLE OVER 40+ MPH AND THEN REDUCING SPEED DUE TO TRAFFIC TO 20 MPH, AND THEN ACCELERATING THE ENGINE AGAIN BETWEEN 21-28 MPH IT SEEMS TO BOG DOWN THE ENGINE ALMOST AS IF THE TRANSMISSION SHIFTS INTO TO LOW OR HIGH OF A GEAR AND MAKES THE VEHICLE FEEL LIKE IT'S BUCKING/JERKING WHEN TRYING TO ACCELERATE BETWEEN 21-28 MPH AND THEN A BURST OF SPEED. VEHICLE DOES IT ALL THE TIME BETWEEN THESE SPEEDS.

VEHICLE WAS BOUGHT BRAND NEW HAD IT CUSTOM ORDERED AND ONLY HAD 9 MILES ON IT SO I KNOW IT'S NOT A ISSUE FROM SOMEONE ELSE DRIVING IT VEHICLE CURRENTLY HAS 1,200 MILES IS A V-6 CREW CAB

**DATE OF INCIDENT:** April 25, 2016  
**DATE COMPLAINT FILED:** April 27, 2016  
**NHTSA/ODI ID:** 10861711  
**SUMMARY:**

THE TRANSMISSION DOES NOT DOWNSHIFT FROM A HIGH GEAR (5 OR 6) TO A LOWER GEAR WHEN SLOWING DOWN FROM 45 MPH TO 20 MPH (OR LOWER). WHEN THE ACCELERATOR IS DEPRESSED TO ACCELERATE THE ENGINE BUCKS, VIBRATES, AND DOES NOT ACCELERATE. THE ENGINE RPM DROPS TO 1,000 RPM OR LOWER. IF THE ACCELERATOR IS QUICKLY FLOORED THE TRANSMISSION DOWNSHIFTS SEVERAL GEARS LOWER AND JERKS FORWARD. THIS CONDITION HAPPENS PRIMARILY ON SECONDARY ROADS WHILE DRIVING ALONG THE ROAD AND WHEN PULLING FROM ONE ROAD INTO TRAFFIC ON ANOTHER ROAD. THE SITUATION WHEN PULLING INTO TRAFFIC IS DANGEROUS BECAUSE THE TRUCK DOES NOT ACCELERATE AS IT SHOULD. THIS TRUCK WAS PURCHASED NEW AND HAS 6,500 MILES ON IT. THIS CONDITION HAS BEEN PRESENT SINCE THE TRUCK WAS NEW AND THE SEVERITY VARIES WITH TRUCK SPEED AND ROAD INCLINATION. THE SITUATION HAS BEEN REPORTED TO THE DEALER AND TO CHEVROLET CUSTOMER SERVICE. NO CORRECTIVE ACTIONS HAVE YET TO BE MADE.

**DATE OF INCIDENT:** July 20, 2016  
**DATE COMPLAINT FILED:** July 20, 2016  
**NHTSA/ODI ID:** 10886265  
**SUMMARY:**

WHEN MERGING ONTO I-70 FREEWAY FROM ON-RAMP, I APPLIED THROTTLE TO MOVE INTO THE TRAFFIC FLOW. ENGINE "STUMBLED" AS IF IN A DEAD SPOT. TRUCK DID NOT ACCELERATE AND APPEARED TO BE LUGGING BADLY.

TRANSMISSION WAS IN TOO HIGH A GEAR AND SEEMED TO BE SEARCHING FOR CORRECT GEAR. DURING THIS TIME ONCOMING TRAFFIC WAS FORCED TO BRAKE AND THERE WAS A NEAR MISS OF HAVING A REAR-END COLLISION. ALL I COULD DO WAS WATCH IN THE REAR VIEW MIRROR AS TRAFFIC CONVERGED ON ME. THIS "DEAD THROTTLE / WRONG GEAR" ISSUE HAS HAPPENED REPEATEDLY ON SURFACE STREETS BUT LUCKILY ON SURFACE STREETS I WAS NOT IN SUCH A CRITICAL SITUATION. THIS IS A PROBLEM THAT HAS BEEN REPORTED REPEATEDLY AND AT MANY PLACES ON THE INTERNET. WHEN WILL NHTSA FORCE GM TO ADDRESS THIS ISSUE? HOPEFULLY YOU WILL ACT BEFORE THIS RESULTS IN SERIOUS INJURY OR FATALITIES (IF IT ALREADY HAS NOT). PLEASE ACT!

**xx. DATE OF INCIDENT:** April 1, 2016

**DATE COMPLAINT FILED:** July 25, 2016

**NHTSA/ODI ID:** 10888441

**SUMMARY:**

WHILE DRIVING THE COLORADO, THE TRANSMISSION GETS SO CONFUSED ON WHAT GEAR TO BE IN AND THE SHIFT PATTERNS ARE THE CRAZIEST I HAVE EVER EXPERIENCED. FROM 40-20MPH, STOP AND GO TRAFFIC, THIS TRUCK'S TRANSMISSION CLUNKS, SHIFTS HARD, STUTTERS AND CANNOT FIGURE OUT WHICH GEAR TO BE IN. IT'S VERY FRUSTRATING. NOT TO MENTION, WHEN TRYING TO PASS, THERE IS ZERO ACCELERATION FELT WHEN FLOORING THE PEDDLE. I AM SO FRUSTRATED WITH THIS TRANSMISSION AND MANY DAYS DURING THE TO AND FROM WORK COMMUTE, I FEEL AS IF I AM GOING TO GET REAR-ENDED BECAUSE OF THIS TRANSMISSION. IT'S ANNOYING WHEN DRIVING BUT STRESSFUL AS WELL, BECAUSE I FEEL AS IF MY SAFETY IS IN JEOPARDY DUE TO THIS "LEARNING" TRANSMISSION. IT'S SO DISAPPOINTING.

**yy. DATE OF INCIDENT:** July 30, 2016

**DATE COMPLAINT FILED:** September 17, 2016

**NHTSA/ODI ID:** 10907373

**SUMMARY:**

WHILE DRIVING ON A HILLY HIGHWAY AT 55 MPH, THE TRUCK SUDDENLY LURCHED INTO AN EXTREME DOWNSHIFT AS I WAS GOING DOWNHILL. I HAD NOT BEEN MAKING ANY SIGNIFICANT BRAKING OR ACCELERATION MOTIONS--JUST DRIVING NORMALLY WITH THE FLOW OF TRAFFIC AND I HAD NOTHING IN TOW. THE TRUCK DECELERATED QUICKLY AND THE RPM'S CLIMBED SIGNIFICANTLY. THIS OCCURRED TWICE: ONCE AROUND 2,800 MILES AND A SECOND TIME AT 3,400 MILES, UNDER THE SAME CONDITIONS - DRY ROADS, DAYTIME, GOING DOWNHILL ON A HIGHWAY. THERE WERE NOT ANY WARNINGS, AND NONE OF THE SERVICE LIGHTS CAME ON. IT WOULD NOT SHIFT OUT OF THIS GEAR. EACH TIME, I HAD TO AVOID BEING HIT FROM BEHIND, AND PULLED OVER TO THE SIDE OF THE ROAD TO STOP COMPLETELY. THEN I WAS ABLE TO PROCEED WITH NORMAL FUNCTIONING OF THE TRANSMISSION. THE CAUSE IS UNKNOWN.

**zz. DATE OF INCIDENT:** September 21, 2016

**DATE COMPLAINT FILED:** September 21, 2016

**NHTSA/ODI ID:** 10908562

**SUMMARY:**

2,400 MILES AND THIS VEHICLE HAS BEEN BACK TO THE DEALER FOUR TIMES FOR "CHUGGING AND SHUTTERING" IN HEAVY TRAFFIC. DRIVING THOUGH AN INTERSECTION WITH HEAVY TRAFFIC IT WILL NOT KEEP UP WITH TRAFFIC BUT TENDS TO BOG DOWN ALMOST GETTING REAR ENDED FROM BEHIND. IF YOU TRY TO SMOOTHLY ACCELERATE IT WILL RAPIDLY DOWNSHIFT AND JUMP FORWARD ALMOST REAR ENDING ANY VEHICLE IN FRONT. VERY UNSAFE TO DRIVE. TRYING TO DRIVE WITH THE FLOW OF TRAFFIC AT 35-40 MPH THE TRUCK SHUTTERS AS IF THE SPARK PLUGS ARE WORN OUT. ALSO TRYING TO ACCELERATE INTO ON COMING TRAFFIC IT WILL SOMETIMES CHUG TO WHERE YOU WONDER IF IT'S GOING MAKE MAKE [sic]THE MERGE. VERY FRUSTRATING TO DRIVE FOR A BRAND NEW TRUCK, THE DEALER REPLACED THE TORQUE CONVERTER AT 500 MILES, THEN HAS PREFORMED SERVICE BULLETIN

#PIP5342B THREE TIMES WITH ABSOLUTELY NO IMPROVEMENT. GM STATES IN THE BULLETIN "NOTE: PERFORMING THIS CALIBRATION UPDATE MAY NOT TOTALLY ADDRESS THE SHUDDER OR CHUGGING CONCERNS" HOW CAN NEW VEHICLES CONTINUE TO BE SOLD WITH THIS KNOWN PROBLEM? NOT ONLY IS IT FRUSTRATING TRYING TO DRIVE SMOOTHLY, BUT IT IS ALSO A SAFETY CONCERN. DUE TO THE POOR PERFORMANCE THE MILEAGE IS ABOUT 13 MPG IN CITY TRAFFIC, NOT EVEN CLOSE TO THE MILEAGE RATING OF 17 MPG.

aaa. **DATE OF INCIDENT:** September 23, 2016

**DATE COMPLAINT FILED:** September 25, 2016

**NHTSA/ODI ID:** 10909515

**SUMMARY:**

I LIVE IN A RURAL AREA WITH MODERATE HILLS AND MANY WINDING ROADS AND TREE OBSCURED CORNERS. WHILE DRIVING AT A MODERATE SPEED (30-40 MPH), I EXPERIENCE PROBLEMS WITH THE VEHICLE'S ABILITY TO DOWNSHIFT FROM OVERDRIVE TO ADDRESS THE INCREASING INCLINE. THE VEHICLE WILL, DESPITE NORMAL INCREASE IN FUEL PEDAL PRESSURE, LOSE RPM'S FROM APPROXIMATELY 2,000 TO 1,000. AS IT APPROACHES 1,000 RPM, THE VEHICLE BEGINS TO "STUTTER" AND "LURCH" AS THE ENGINE TRIES TO COPE WITH THE HIGHER GEAR. THERE ARE TWO "FIXES" FOR THIS; PUSHING THE GAS PEDAL DOWN FIRMLY, WHICH CAUSES THE VEHICLE TO RADICALLY DOWN SHIFT AND "LEAP" FORWARD, OR TO DROP THE TRANSMISSION LEVER TO "MANUAL" AND MANUALLY CHANGE GEARS (WITHOUT THE "LEAP" SEEN IN THE FIRST METHOD). THE END RESULT OF THE NON-MANUAL APPROACH IS TO CAUSE THE VEHICLE TO ACCELERATE RADICALLY IN AN ENVIRONMENT OF OBSCURED CORNERS AND UPHILL DRIVING. I BELIEVE THIS IS A DANGEROUS SAFETY PROBLEM AS THE AREA IS SWARMING WITH DEER, BICYCLISTS, PEDESTRIANS, ETC. I HAVE ALSO HAD "STUTTERING" INCIDENTS WHEN ACCELERATING FROM LOW SPEED, TO ENTER TRAFFIC,

INTERSTATE, ETC., ALTHOUGH THESE HAVE BEEN INTERMITTENT IN NATURE. I HAVE NOTICED THAT THE VEHICLE WILL ALSO RADICALLY DOWNSHIFT GOING DOWNHILL WITHOUT WARNING AND SEEMS TO TAKE A LONG TIME TO UP SHIFT ONCE IT IS ON LEVEL GROUND - AGAIN AN INTERMITTENT ACTION. FORTUNATELY NO ONE HAS BEEN "TAILGATING" ME WHEN THIS OCCURS (A COMMON FAILING OF DRIVERS IN THIS AREA). I HAVE HAD THE VEHICLE TO THE DEALER TWICE FOR THE FAILURE TO DOWNSHIFT FOR A HILL AND THEY TELL ME CHEVROLET DOES NOT RECOGNIZE A **PROBLEM WITH THE TRANSMISSION, SHIFTING, ETC.** A SIDE NOTE: **THIS PROBLEM DOES NOT EXIST IN CRUISE CONTROL, BUT USE OF CRUISE CONTROL ON THESE BACK ROADS WOULD NOT BE ADVISABLE.**

bbb. **DATE OF INCIDENT:** October 16, 2016

**DATE COMPLAINT FILED:** October 16, 2016

**NHTSA/ODI ID:** 10916366

**SUMMARY:**

TRANSMISSION DOES NOT DOWNSHIFT PROPERLY UNDER ANY TYPE OF ACCELERATION (SLOW OR SUDDEN) ESPECIALLY BETWEEN 20 MPH AND 40 MPH IN NORMAL STREET TRAFFIC AND ON THE HIGHWAY. IT ALSO HUNTS FOR GEARS ESPECIALLY BETWEEN GEARS 4 THROUGH 6. IT HESITATES FOR APPROXIMATELY 2 TO 3 SECONDS, FINDS A GEAR, HESITATES AGAIN, AND THEN DROPS TO AN EVEN LOWER GEAR AND OVER ACCELERATES. WHAT I HAVE OBSERVED IS THAT THE VEHICLE IS TOO EAGER TO UPSHIFT AND SOMETIMES GOES INTO 5TH OR 6TH GEAR AND DROPS THE ENGINE BELOW 1000 RPM. IT STAYS IN THAT GEAR WHEN SLOWING DOWN AND WHEN ACCELERATED IT STAYS IN THE HIGH GEAR ON BOGS DOWN AND ON TWO OCCASIONS STALLED. THIS IS DANGEROUS ESPECIALLY IN HIGHWAY TRAFFIC AND IS ESPECIALLY DANGEROUS WHEN ACCELERATING TO PASS OR ACCELERATING ON AN HIGHWAY ONRAMP TO MERGE WITH TRAFFIC. I HAVE TAKEN THE TRUCK TO DEALER AT AROUND 2000 MILES. WAS TOLD THAT THEY COULDN'T FIND ANY PROBLEMS AND THEY

"RESET" THE TRANSMISSION. IT RAN FINE FOR ONE DAY AND BEGAN THE PROBLEMS AGAIN. I HAVE OPERATED THE TRUCK NOW TO 6000 MILES TO SEE IF THE TRANSMISSION CAN "LEARN" ITS WAY OUT OF THIS AND IT HAS NOT. I AM GOING TO DEALER AGAIN AND IF THEY TELL ME AGAIN THAT THERE IS NO PROBLEM, I AM GOING TO FORCE THE SERVICE MANAGER TO DRIVE WITH ME FOR A DAY TO EXPERIENCE THE PROBLEM.

**ccc. DATE OF INCIDENT:** August 2, 2016

**DATE COMPLAINT FILED:** November 18, 2016

**NHTSA/ODI ID:** 10926937

**SUMMARY:**

VEHICLE HESITATES AND STUMBLES ON ACCELERATION DURING MOTION WHEN ACCELERATION IS RESUMED WHILE MOVING. IT SEEMS THAT THE TRANSMISSION IS NOT SHIFTING DOWN. YOU HAVE TO GET INTO THE ACCELERATION, WHICH IS A SAFETY CONDITION IN TRAFFIC. AT TIMES IT STUMBLES BAD ENOUGH TO SLOW SPEED DRAMATICALLY, WHICH IS ALSO A SAFETY CONDITION ON INTERSTATE. TOOK THE VEHICLE TO DEALERSHIP AND THEY ARE DEDICATED TO SAYING THAT THERE IS NO CODES UP AND I AM NEARLY AT THE POINT TO SEEK HELP FROM LAWYER ON THE SITUATION.

**ddd. DATE OF INCIDENT:** December 26, 2016

**DATE COMPLAINT FILED:** January 1, 2017

**NHTSA/ODI ID:** 10938972

**SUMMARY:**

THIS VEHICLE'S ERRATIC DOWNSHIFTING AND UPSHIFTING OF THE AUTOMATIC TRANSMISSION CAUSES ABRUPT CHANGES IN ACCELERATION AND DECELERATION THAT SETS UP SEQUENCES THAT FORCE THE DRIVER TO CONTINUALLY PRESS DOWN ON, OR LET UP, ON THE BREAK AND OR ACCELERATOR TO ATTEMPT TO BLEND IN WITH STOP-AND-GO TRAFFIC. IN VERY HEAVY TRAFFIC, PRESENT WHEN ENTERING OR LEAVING LARGE CITIES, THE ONSET AND CONTINUANCE OF THIS VEHICLE'S PERFORMANCE

WORSENS RESULTING IN DRIVER FATIGUE AND EXTREME STRESS, BROUGHT ON BY THE EVER PRESENT NECESSITY TO BE EXTRA WATCHFUL AND TO MANEUVER TO AVOID HITTING THE VEHICLE IN FRONT, OR BEING REAR-ENDED.

WHEN DRIVING THROUGH MOUNTAINOUS TERRAIN AT TODAY'S INTERSTATE SPEEDS, THERE IS RECURRING "BUMPING" THAT SETS UP WHEN ASCENDING LONG GRADES. IT CREATES THE FEELING THAT EITHER THE TRANSMISSION IS ATTEMPTING TO DOWNSHIFT BUT THEN CHANGES ITS MIND, OR THE ENGINE'S RPM ARE ABOUT TO INCREASE BUT DON'T. THIS ADDS TO FEAR OF IMMINENT FAILURE AND BEING LEFT STRANDED.

THIS BEHAVIOR WAS PRESENT FROM THE VERY FIRST TIME THE VEHICLE WAS DRIVEN. IT'S GETTING WORSE. THIS DRIVER BELIEVES THE UNSAFE OPERATING PERFORMANCE OF THIS VEHICLE AS DESCRIBED ABOVE, IS EXACERBATED BY THE COMBINATION OF THE SMALL, 4 CYLINDER ENGINE COUPLED TO THE 6 SPEED TRANSMISSION, THAT REQUIRES THE ENGINE TO RAPIDLY DOWNSHIFT OR UPSHIFT TO PROVIDE THE NEEDED PERFORMANCE REQUIRED IN TODAY'S DRIVING ENVIRONMENTS. FURTHER, IT IS EVIDENT THE SOFTWARE CONTROLLING THE TRANSMISSION'S OPERATING BEHAVIOR WAS NEITHER FULLY DEVELOPED NOR TESTED THROUGHOUT ITS ANTICIPATED FULL OPERATING RANGE AND AS SUCH CREATES A VEHICLE THAT IS DANGEROUS TO OPERATE ON PUBLIC ROADS

ATTEMPTS TO HAVE THESE ISSUES ADDRESSED WITH THE DEALER RESULTED IN BEING TOLD..." NOTHING CAN BE DONE...THE PROBLEMS YOU ARE ENCOUNTERING ARE BEING ARE BEING EXPERIENCED BY MANY CUSTOMERS. CHEVROLET IS NOT PROVIDING ANY SOLUTIONS". \*TR]

## **2. Customer Complaints on Third-Party Websites**

42. Consumers have raised similar complaints about the Transmission

Defect on various online forums. Below are some examples.

### GMC Canyon

- a. **December 1, 2014:** Transmission and engine are not synchronized through shifting and acceleration. Engine is overloaded and shudders at low speeds when transmission does not downshift. Acceleration is very poor unless aggressive accelerator is used. Often, engine revs to 4500 to 5000 RPM but there is no acceleration until transmission catches up - dangerous situations occur. Dealer has done GMC "upgrades" without helping. **Lead GMC tech has driven the truck and agrees it is not operating correctly.** Computer does not show "fault" codes so this appears to be the computer that is the problem. Intermittent episodes of engine almost stalling, horrible acceleration (worse than normal) to the point of maybe having to flatbed the vehicle to dealer. Turning off the truck seems to "fix" that - but no fault codes appear. Asked GMC for qualified engineer to drive the vehicle and was informed the area manager states "that the vehicle is operating as designed" - which if that is the case, they need to go out of business. (*Available at [https://www.carcomplaints.com/GMC/Canyon/2015/transmission/not\\_shifting\\_properly.shtml](https://www.carcomplaints.com/GMC/Canyon/2015/transmission/not_shifting_properly.shtml)*)(Emphasis Added)
- b. **October 1, 2015:** I purchased a new 2015 GMC Canyon and had the same issues with the automatic transmission being calibrated poorly. As others have mentioned, when in drive, the transmission stayed in 6th gear when slowing down from highway speed all the way until about 30 mph so when you would accelerate at that point, the engine lagged and you had to push the gas pedal down quite a bit until finally the transmission would downshift to 3rd, skipping 5th and 4th and causing a super abrupt shift. Also, when accelerating from a stop, you had to increase the pressure on the pedal to keep the truck from slowing and lagging at about 30 mph.... (*Id.*)
- c. **June 2, 2015:** Issue happens every time I go down a steep hill. I have taken it back to the dealer four times and have been told this is a consistent problem with GMC truck transmissions. To stop the drag on the transmission, I have to accelerate and try to get the transmission to "let go." Sometimes this solves the issue, sometimes it does not. I have a 36,000 mile warranty. Currently the truck has 16,000 miles. Before the warranty expires I will be trading the truck in for anything but another GMC truck. (*Id.*)

### Chevrolet Colorado

- a. **February 1, 2015:** I have a 2015 4x4 Crew Cab with the 3.6L. I was having the same problem with the downshifting from 3rd down to 2nd (between 20-30 mph...real bad when I turned left), with the gurgling, and the RPMs dropping below 500, I thought I was going to stall. My dealership told me the same thing, that it was trying to learn my driving style. Well, I brought her at the end of January, and as of this past Friday I had almost 15,000 on it.

So they finally listened to me, as they were fixing the 4 other recalls, they noticed the problem. IT'S THE TORQUE CONVERTER!!!!!!!!! TELL YOUR DEALER TO CHECK IT .....IT IS DEFECTIVE! I hope this

helps. I'm supposed to get her back today, but we shall see!

Update from October 5, 2015: After the torque converter was replaced, it seemed to be running fine. For about 1000 miles when it started again. I brought it back, but the trans guy at my dealership said it was fine. I am now in a battle with them. Good this=ng I have the 100000 mile warranty. (Available at [https://www.carcomplaints.com/Chevrolet/Colorado/2015/transmission/very\\_sluggish\\_starts\\_chugging\\_wont\\_downshift.shtml](https://www.carcomplaints.com/Chevrolet/Colorado/2015/transmission/very_sluggish_starts_chugging_wont_downshift.shtml))

- b. **February 24, 2015:** I HAVE HAD A SHIFTING PROBLEM WITH MY COLORADO FROM THE FIRST DAY I PURCHASED IT. I TOOK IT TO THE DEALER FOR AN EXHAUST SENSOR REPLACEMENT AND TOLD THEM ABOUT THE SHIFTING PROBLEM. THEY CLAIMED TO DO A COMPUTER UPDATE AND SAID IT WAS FIXED. NOT SO, SAME OLD PROBLEM. I GIVE IT GAS AT A SLOW SPEED WHEN IT IS IN HIGH GEAR AND IT BUCKS LIKE IT IS MISSING. GIVE IT MORE GAS AND IT WILL FINALLY SHIFT. I JUST READ SEVERAL COMPLAINTS OF THE SAME PROBLEM WITH THIS VEHICLE. THE POWER AND GAS MILEAGE IS ALSO VERY DISAPPOINTING. THOUGHT GM WOULD GET THEIR ACT TOGETHER AFTER THE IGNITION SWITCH PROBLEM BUT NOW I AM WONDERING. IF THEY DO NOT FIX THIS PROBLEM SOON, I AM GOING TO A SMALL TACOMA. IF ANYONE FINDS A SOLUTION TO THIS PROBLEM, I WOULD APPRECIATE KNOWING WHAT IT IS. (Available at [https://www.carcomplaints.com/Chevrolet/Colorado/2015/transmission/not\\_shifting\\_properly.shtml](https://www.carcomplaints.com/Chevrolet/Colorado/2015/transmission/not_shifting_properly.shtml))
- c. **June 1, 2015:** The electronic brain for the tranny in my '15 Colorado definitely is missing some brain cells. Seemed to be adapting to my driving for a while, then it began to aggressively downshift descending highway grades then not up-shifting when I get back on the gas. Annoying. Service said "Normal behavior." Yeah. (Available at: <http://coloradofans.com/forums/185-2nd-gen-engines-technical-discussion/241386-does-anyone-know-what-fix-shifting-issues-new-colorado.html>)
- d. **July 20, 2016:** I was nearly hit from behind today while trying to merge onto the Interstate from an on-ramp. This was due to the "dead throttle / too high a gear" problem with 2015-16 Colorados and Canyons that is all over the web. We all know its an issue. Meanwhile I have not seen anyone report a meaningful response from GM.

I just completed filing a complaint with NHTSA at this website: Home | National Highway Traffic Safety Administration (NHTSA)

If you have experienced this problem (and if you have a gen2 truck I can't imagine you haven't), realize it IS a safety issue. As such, I think we all have an obligation to report this. When you go to the NHTSA site, if you are like me, you will be amazed to see only a handful of complaints. If we all complain, there is a chance we could get GM to offer a fix. (Available at <http://coloradofans.com/forums/185-2nd-gen-engines-technical-discussion/309010-delayed-acceleration-post-complaint-nhtsa.html>)

- e. **July 25, 2018:** My transmission doesn't shift properly and I don't drive my Canyon like a Camaro. I definitely feel the transmission down shifting issue. Slowing down from 45-50 to 20-25 then accelerating again. The chugging starts. I have to punch the accelerator, which causes at least a sudden 2 gear downshift, to get the truck to go. Never had a vehicle do this before. And yes, I had my dealer update the software last year.

I've read the duramax has a better transmission programming and doesn't do this. (*Id.*).

- f. **September 1, 2016:** I have a little over 22,000 miles on my 15 I have had it for a little over 1 year, I too now have a severe lag and chugging when accelerating. I have had this into the dealer now 5 times for them to comeback and say that it is working as designed. (boy I would like to find that engineer). I was contacted by GM regarding this issue and they are now in the process of working with the dealer and getting a field engineer in to look at it. Even today I was in a 40 mph speed zone with a slow moving scooter in front of me. In order to pass that at 25 mph I had to literally make it downshift by stomping on the accelerator to make it downshift. It shuddered so hard before the downshift that my wife even complained about it. This truck used to be fun to drive but now I am not real happy with it. The problem appears between 40 -45 mph and at 60 when trying to keep up with traffic on a grade. I am now logging each time I drive it and noting the rpm and speed. Maybe that will help the engineers.

Not sure if it is engine or transmission at this point. I do agree a engine with 300 hp should have the guts to pull through without the chugging.

I will report when they finally get some time with it and let me know. (*Id.*)

- g. **September 3, 2016:** I have had my 2016 Colorado for 3 weeks now and have experienced the delayed acceleration several times, was at dealership and they said it was due to the transmission learning my driving habits. I don't really buy into that explanation, my conditions occur when getting back up to speed after slowing down, transmission seems to be confused as to what gear to be in. But the throttle does not respond no matter how hard the gas pedal is pushed, I drive pretty aggressively so the thought that you just need to drive it harder is mute, my thought is it is in the programming and could be corrected. I don't feel I should have to invest in after market tuner to get my truck to drive properly, and by the way I'm 57, not so new to driving, and have owned every kind of auto there is just about, but I love Chevy trucks and especially my new V6 Colorado. (*Id.*)

- h. **September 8, 2016:** I have a 2016 with 2,300 miles and have been having this problem since new. It has been to the dealer three time and they still cannot get it stopped. The first time at 500 mile they replaced the torque converter....no help. Mine chugs and shudders like the plugs are 10 years old.

On Aug 15, 2016 GM came out with Document ID 4573823 #PIP5342B re-programming of the ECM and TCM for the "Chugging or Shuddering" My dealer has preformed it twice and it is still just as bad.

If you don't have this problem you are fortunate, it is terrible!

I called Detroit today, they are aware of the problem, but it is not on all of the trucks. Only 55 posts on one forum with the problem out of 7,000 reviews. It is now being turned over the General Manager of the dealership. We'll see where it goes from here. Here is the bad part...the PIP states "Preforming this calibration update may not totally address shudder or chugging concerns."

GM still does not have a fix. Glad FL has the Lemon Law. (*Id.*)

### **3. Other Sources of Defendant's Knowledge**

43. As the complaints reproduced above indicate, many Class members also complained directly to GM about the Transmission Defect, often in hopes of securing warranty or goodwill coverage for necessary repairs. Coupled with its efforts to monitor Class member complaints tendered to NHTSA or posted on third-party websites, the many instances in which Class members contacted GM to discuss the defect did, or should have, alerted GM to the Transmission Defect's existence.

44. GM is also experienced in the design and manufacture of consumer vehicles and conducts pre- and post-release testing on incoming batches of components, including the transmission systems. These tests are designed to verify that the parts are free from defects and comply with GM's specifications. As a result, GM knew or should have known that the transmissions in Class Vehicles were defective and prone to premature failure.

45. Specifically, GM is known for its "notoriously rigorous durability tests. In just 18 months, engineers are able to replicate the kind of wear and tear a car would undergo in its entire lifetime, ensuring it will hold up over time once it reaches

customer hands.”<sup>2</sup>

46. GM is “always pushing ourselves to test even the smallest part of a vehicle to ensure that the entire product from the engine down to the screws and bolts are tough enough to handle the driving our customers need.”<sup>3</sup>

47. The 2014 Chevrolet Silverado, for example, completed more than 12.5 million miles of testing before General Motors put the vehicle on sale. GM touts that its “fleet of Silverado test vehicles completed more than 4 million miles of combined durability testing and 8.2 million miles of real world driving before being sent into production in Silao, Mexico, Fort Wayne Ind. and Flint, Mich. The testing was done in the scorching deserts of Arizona, the frozen grounds of Kapuskasing Ontario, and of course GM’s own test facility.”<sup>4</sup>

48. GM also knew or should have known of the Transmission Defect through its own internal records because of the high number of replacement parts, including transmissions, likely ordered from GM by authorized GM dealerships. Upon information and belief, all GM service centers are required to order

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<sup>2</sup> See <http://gmauthority.com/blog/2014/10/general-motors-celebrates-90-years-of-vehicle-testing-and-abuse-at-its-milford-proving-grounds/> (last visited Mar. 7, 2018).

<sup>3</sup> *Id.*; see also <http://media.gm.com/media/us/en/gm/news.detail.html/content/Pages/news/us/en/2014/Oct/1024-milford.html> (last visited Mar. 8, 2018).

<sup>4</sup> <http://gmauthority.com/blog/2013/10/2014-silverados-benefit-from-12-5-million-miles-of-durability-testing/> (last visited Mar. 8, 2018).

replacement parts directly from GM. Furthermore, independent vehicle repair shops that service Class Vehicles also order replacement original equipment manufacturer (OEM) parts directly from GM. Therefore, the sudden increase in orders of transmissions used in the Class Vehicles was known to GM and should have alerted it to the scope and severity of the Transmission Defect.

49. Moreover, GM also should have known of the Transmission Defect due to the sheer number of reports of premature failures in the Class Vehicles. On information and belief, GM, like all vehicle manufacturers, communicates with its authorized service technicians in order to identify pervasive vehicle defects, and identify root causes and potential repairs. GM collects and analyzes field data including, but not limited to, repair requests made at dealerships and service centers, technical reports prepared by engineers that have reviewed vehicles for which warranty coverage is requested, parts sales reports, and warranty claims data, in order to determine whether a defect exists and should be covered under warranty or through a goodwill program

50. GM also reviews and analyzes warranty data submitted by its dealerships and authorized technicians in order to identify defect trends in its vehicles. GM dictates that when a repair is made under warranty (or warranty coverage is requested), service centers must provide GM with detailed documentation of the problem and the fix that describes the complaint, cause, and

correction, and also save the defective component in case GM later decides to audit the dealership or otherwise verify the warranty repair. For their part, service centers are meticulous about providing this detailed information about in-warranty repairs to GM because GM will not pay the service centers for the repair if the complaint, cause, and correction are not sufficiently described. Due to GM's efforts to monitor defect trends and the sheer number of repairs and warranty/goodwill requests made in connection with the defect, GM knew or should have known of the defect.

51. The timing of the aforementioned complaints, coupled with the other means through which GM monitors vehicle performance, clearly establishes that GM had knowledge of the defect prior to the time of sale of all Class Vehicles.

### **CLASS ALLEGATIONS**

52. Plaintiff brings this action on her own behalf, and on behalf of a nationwide class pursuant to Federal Rule of Civil Procedure, Rule 23(a), 23(b)(2), and/or 23(b)(3).

#### **Nationwide Class:**

All persons or entities in the United States who are current or former owners and/or lessees of a model year 2015-2017 GMC Canyon and Chevrolet Colorado.

53. In the alternative to the Nationwide Class, and pursuant to Federal Rule of Civil Procedure, Rule 23(c)(5), Plaintiff seeks to represent the following classes in the event that the Court declines to certify the Nationwide Class:

**The Florida Class:**

All persons or entities in Florida who are current or former owners and/or lessees of a model year 2015-2017 GMC Canyon and Chevrolet Colorado.

54. The Nationwide Class and the Florida Class shall be collectively referred to herein as the “Class.” Excluded from the Class are Defendant, its affiliates, employees, officers and directors, persons or entities that purchased the Class Vehicles for resale, and the Judge(s) assigned to this case. Plaintiff reserves the right to modify, change, or expand the various class definitions set forth above based on discovery and further investigation.

55. Certification of Plaintiff’s claims for class-wide treatment is appropriate because Plaintiff can prove the elements of her claims on a class-wide basis using the same evidence as would be used to prove those elements in individual actions alleging the same claim.

56. Numerosity: Upon information and belief, the Class is so numerous that joinder of all members is impracticable. Plaintiff believes that hundreds of thousands of Class Vehicles have been sold and leased in the United States, and in each of the States that are within the Class.

57. Existence and Predominance of Common Questions of Fact and Law: Common questions of law and fact exist as to all members of the Class. These questions predominate over the questions affecting individual Class members. These

common legal and factual questions include, but are not limited to:

- a. Whether Defendant engaged in the conduct alleged herein;
- b. Whether Defendant designed, manufactured, advertised, marketed, distributed, leased, sold, or otherwise placed Class Vehicles into the stream of commerce in the United States;
- c. When Defendant learned of the defective transmissions in the Class Vehicles;
- d. Whether Defendant knew of the defective transmissions, yet failed to disclose the problem and its consequences to its customers;
- e. Whether a reasonable consumer would consider the defective transmission or its consequences to be material;
- f. Whether Defendant has failed to provide free repairs as required by its warranties;
- g. Whether Plaintiff and other Class members have been harmed by the conduct alleged herein;
- h. Whether Defendant was unjustly enriched by its deceptive practices; and
- i. Whether Plaintiff and members of the Class are entitled to equitable relief in the form of rescission of the purchase

agreement or other injunctive relief and, if so, in what amount.

58. Typicality: All of the Plaintiff's claims are typical of the claims of the Class since Plaintiff purchased a Class Vehicle with a defective transmission, as did each member of the Class. Furthermore, Plaintiff and all members of the Class suffered monetary and economic injuries arising out of GM's wrongful conduct. Plaintiff is advancing the same claims and legal theories on behalf of themselves and all absent Class members.

59. Adequacy: Plaintiff is an adequate representative because her interests do not conflict with the interests of the Class that she seeks to represent, she has retained counsel competent and highly experienced in complex class action litigation, and she intends to prosecute this action vigorously. The interests of the Class will be fairly and adequately protected by Plaintiff and her counsel.

60. Superiority: A class action is superior to all other available means of fair and efficient adjudication of the claims of Plaintiff and members of the Class. The injury suffered by each individual Class member is relatively small in comparison to the burden and expense of individual prosecution of the complex and extensive litigation resulting from GM's conduct. It would be virtually impossible for members of the Class to effectively redress GM's misconduct individually. Even if the members of the Class could afford such individual litigation, the court system could not. Individualized litigation presents a potential for inconsistent or

contradictory judgments. Individualized litigation increases the delay and expense to all parties, and to the court system, presented by the complex legal and factual issues of the case. By contrast, the class action device presents far fewer management difficulties, and provides the benefits of single adjudication, an economy of scale, and comprehensive supervision by a single court. Members of the Class can be readily identified and notified based on, *inter alia*, GM's vehicle identification numbers, warranty claims, registration records, and database of complaints.

61. GM has acted, and refused to act, on grounds generally applicable to the Class, thereby making appropriate final equitable relief with respect to the Class as a whole.

### **FIRST CAUSE OF ACTION**

#### **BREACH OF WRITTEN WARRANTY UNDER THE MAGNUSON-MOSS WARRANTY ACT**

**(On Behalf of the Nationwide Class, or Alternatively, the Florida Class)**

62. Plaintiff and the Class incorporate by reference each preceding and succeeding paragraph as though fully set forth at length herein.

63. Plaintiff and the Class members are "consumers" within the meaning of the Magnuson-Moss Warranty Act, 15 U.S.C. § 2301(3).

64. Defendant is a "supplier" and "warrantor" within the meaning of 15 U.S.C. §§ 2301(4)-(5).

65. The Class Vehicles are "consumer products" within the meaning of 15

U.S.C. § 2301(1).

66. Defendant's warranties are "written warranties" within the meaning of 15 U.S.C. § 2301(6).

67. Defendant breached the express warranties by:

- a. Providing a 3-year/36,000 miles New Vehicle Limited Warranty and a Service Parts Warranty with the purchase or lease of the Class Vehicles, thereby warranting to repair or replace any part defective in material or workmanship at no cost to the owner or lessee;
- b. Providing a 5-year/60,000 miles Powertrain Warranty with the purchase or lease of the Class Vehicles, thereby warranting to repair or replace any drivetrain part defective in material or workmanship at no cost to the owner or lessee;
- c. Selling and leasing Class Vehicles with defective transmissions, requiring repair or replacement within the warranty period; and
- d. Refusing and/or failing to honor the express warranties by repairing or replacing, free of charge, the defective transmissions.

68. Plaintiff and the other Class members relied on the existence and length of the express warranties in deciding whether to purchase or lease the Class Vehicles.

69. Defendant's breach of the express warranties has deprived Plaintiff and the other Class members of the benefit of their bargain.

70. The amount in controversy of Plaintiff's individual claims meets or exceeds the sum or value of \$25.00. In addition, the amount in controversy meets or exceeds the sum or value of \$50,000 (exclusive of interests and costs) computed on the basis of all claims to be determined in this suit.

71. Defendant has been afforded a reasonable opportunity to cure its breach of the written warranties and/or Plaintiff and the other Class members were not required to do so because providing Defendant a reasonable opportunity to cure its breach of written warranties would have been futile. Defendant was also on notice of the defect from the complaints and service requests it received from Class members, as well as from its own warranty claims, customer complaint data, and/or parts sales data.

72. As a direct and proximate cause of Defendant's breach of the written warranties, Plaintiff and the other Class members sustained damages and other losses in an amount to be determined at trial. Defendant's conduct damaged Plaintiff and the other Class members, who are entitled to recover actual damages, consequential damages, specific performance, diminution in value, costs, including statutory attorney fees, and/or other relief as deemed appropriate.

**SECOND CAUSE OF ACTION**

**VIOLATIONS OF THE FLORIDA DECEPTIVE AND UNFAIR TRADE  
PRACTICES ACT  
(On Behalf of the Florida Class)**

73. Plaintiff incorporates by reference all allegations of the preceding paragraphs as though fully set forth herein.

74. Plaintiff brings this cause of action on behalf of herself and on behalf of the members of the Florida Class against Defendant.

75. Plaintiff and the members of the Florida Class are “consumers” within the meaning of Fla. Stat. § 501.203(7).

76. At all relevant times, Defendant was engaged in trade or commerce within the meaning of Fla. Stat. § 501.203(8).

77. The purpose of the Florida Deceptive and Unfair Trade Practices Act, Fla. Stat. §§ 501.201, *et seq.*, is to “protect the consuming public . . . from those who engage in unfair methods of competition, or unconscionable, deceptive or unfair acts or practices in the conduct of any trade or commerce.” Fla. Stat. § 501.202(2).

78. Florida’s Deceptive and Unfair Trade Practices Act prohibits “[u]nfair methods of competition, unconscionable acts or practices, and unfair or deceptive acts or practices in the conduct of any trade or commerce.” Fla. Stat. § 501.204(1).

79. In the course of Defendant’s business, it knowingly concealed, suppressed, and omitted the fact that the Class Vehicles are defective, with the intent

that Plaintiff and the Florida Class Members rely upon that concealment, suppression, and omission when purchasing the Class Vehicles. The existence of the Transmission Defect, which manifests in all or substantially all Class Vehicles, is material to a reasonable consumer in that it causes, among other things, slipping, bucking, kicking, jerking and harsh engagement; has premature internal wear, sudden acceleration, delay in downshifts, delayed acceleration and difficulty stopping the vehicle, and eventually suffers a catastrophic failure, leads to thousands of dollars in repair expenses, and causes the Class Vehicles to be worth substantially less than they would otherwise be valued.

80. Defendant has engaged in unfair and deceptive trade practices, including representing that the Class Vehicles have characteristics, uses, benefits, and qualities which they do not have; representing that the Class Vehicles are of a particular standard and quality when they are not; advertising the Class Vehicles with the intent to not sell them as advertised; and otherwise engaging in conduct likely to deceive. Further, Defendant's acts and practices described herein offend established public policy because of the harm they cause to consumers outweighs any benefit associated with such practices, and because Defendant fraudulently concealed the defective nature of the Class Vehicles from consumers.

81. As a direct and proximate result of Defendant's unlawful conduct, Plaintiff and the Florida Class Members have suffered harm in that they bought Class

Vehicles they otherwise would not have, overpaid for their Class Vehicles, did not receive the benefit of their bargain, and their Class Vehicles suffered a diminution in value. Meanwhile, Defendant has sold more Class Vehicles than it otherwise could have and charged inflated prices for the Class Vehicles, unjustly enriching itself thereby.

82. Plaintiff and the other Class members have suffered an injury in fact, including the loss of money or property, as a result of Defendant's unfair, unlawful, and/or deceptive practices. In purchasing their Class Vehicles, Plaintiff and the other Class members relied on the misrepresentations and/or omissions of Defendant with respect to the reliability of the Class Vehicles. Defendant's representations were untrue because the Class Vehicles were defectively designed and manufactured. Had Plaintiff and the other Class members known this, they would not have purchased their Class Vehicles and/or paid as much for them. Accordingly, Plaintiff and the other Class members overpaid for their Class Vehicles and did not receive the benefit of their bargain.

83. Pursuant to Fla. Stat. § 501.211, Plaintiff and the Florida Class Members are entitled to damages, declaratory judgment, and equitable relief, including restitutionary disgorgement of all profits accruing to Defendant because of their deceptive practices and an order requiring Defendant to adequately disclose and repair the defect.

**THIRD CAUSE OF ACTION**

**COMMON LAW FRAUD  
(On Behalf of the Nationwide Class or, Alternatively, the Florida Class)**

84. Plaintiff incorporates by reference all allegations of the preceding paragraphs as though fully set forth herein.

85. Plaintiff bring this cause of action on behalf of herself and on behalf of the members of the Class against Defendant.

86. Defendant's misrepresentations, nondisclosures, and/or concealment of material facts to Plaintiff and the members of the Class, as set forth above, were known, or through reasonable care should have been known, by Defendant to be false and material and were intended to mislead Plaintiff and the members of the Class.

87. Plaintiff and the Class were actually misled and deceived and were induced by Defendant to purchase the Class Vehicles which they would not otherwise have purchased, or would have paid substantially less for, absent Defendant's fraudulent conduct.

88. As a result of Defendant's conduct, Plaintiff and the Class members have been damaged.

## **FOURTH CAUSE OF ACTION**

### **UNJUST ENRICHMENT**

**(On Behalf of the Nationwide Class or, Alternatively, the State Classes)**

89. Plaintiff incorporates by reference all allegations of the preceding paragraphs as though fully set forth herein.

90. Plaintiff brings this cause of action on behalf of herself and on behalf of the members of the Class against Defendant.

91. Plaintiff and members of the Class conferred a benefit on Defendant by purchasing or leasing the Class Vehicles.

92. The benefit conferred by Plaintiff and members of the Class on Defendant was at the Plaintiff's and Class members' expense.

93. Defendant had knowledge that this benefit was conferred upon it.

94. Defendant has been unjustly enriched at the expense of Plaintiff, and its retention of this benefit under the circumstances would be inequitable.

## **FIFTH CAUSE OF ACTION**

### **BREACH OF EXPRESS WARRANTY**

**(On Behalf of the Nationwide Class or, Alternatively, the State Classes)**

95. Plaintiff incorporates by reference all allegations of the preceding paragraphs as though fully set forth herein.

96. Plaintiff brings this cause of action on behalf of herself and on behalf of the members of the Class against Defendant.

97. Defendant expressly warranted that the Class Vehicles were of high quality and, at a minimum, would work properly. Defendant also expressly warranted that they would repair and/or replace defects in material and/or workmanship free of charge that occurred during the New Vehicle Limited Warranty and Powertrain Warranty.

98. Defendant breached the express warranties by:

- e. Providing a 3-year/36,000 miles New Vehicle Limited Warranty and a Service Parts Warranty with the purchase or lease of the Class Vehicles, thereby warranting to repair or replace any part defective in material or workmanship at no cost to the owner or lessee;
- f. Providing a 5-year/60,000 miles Powertrain Warranty with the purchase or lease of the Class Vehicles, thereby warranting to repair or replace any drivetrain part defective in material or workmanship at no cost to the owner or lessee;
- g. Selling and leasing Class Vehicles with defective transmissions, requiring repair or replacement within the warranty period; and
- h. Refusing and/or failing to honor the express warranties by repairing or replacing, free of charge, the defective transmissions.

99. Moreover, Defendant breached these warranties by selling to Plaintiff and Class members the Class Vehicles with the Transmission Defect, which are not of high quality, and which fail prematurely and/or fail to function properly.

100. As a result of the Defendant's actions, Plaintiff and Class members have suffered economic damages including but not limited to costly repairs, loss of vehicle use, substantial loss in value and resale value of the vehicles, and other related damage.

101. Defendant's attempts to disclaim or limit these express warranties vis-à-vis consumers are unconscionable and unenforceable under the circumstances here. Specifically, Defendant's warranty limitation is unenforceable because it knowingly sold a defective product without informing consumers about the Transmission Defect.

102. The time limits contained in Defendant's warranty period were also unconscionable and inadequate to protect Plaintiff and members of the Class. Among other things, Plaintiff and Class members had no meaningful choice in determining these time limitations, the terms of which unreasonably favored Defendant. A gross disparity in bargaining power existed between GM and Class members, and GM knew or should have known that the Class Vehicles were defective at the time of sale and would fail well before their useful lives.

103. Plaintiff and Class members have complied with all obligations under

the warranty, or otherwise have been excused from performance of said obligations as a result of Defendant's conduct described herein.

### **SIXTH CAUSE OF ACTION**

#### **BREACH OF IMPLIED WARRANTY** **(On Behalf of the Nationwide Class or, Alternatively, the State Classes)**

104. Plaintiff incorporates by reference all allegations of the preceding paragraphs as though fully set forth herein.

105. Plaintiff brings this cause of action on behalf of herself and on behalf of the members of the Class against Defendant.

106. GM was at all relevant times the manufacturer, distributor, warrantor, and/or seller of the Class Vehicles. GM knew or had reason to know of the specific use for which the Class Vehicles were purchased.

107. GM provided Plaintiff and the other Class members with an implied warranty that the Class Vehicles and any parts thereof were merchantable and fit for the ordinary purposes for which they were sold. However, the Class Vehicles are not fit for their ordinary purpose of providing reasonably reliable and safe transportation because the Class Vehicles suffer from the Transmission Defect, which makes the Class Vehicles not of high quality, and which causes them to fail prematurely and/or fail to function properly. Therefore, the Class Vehicles are not fit for their particular purpose of providing safe and reliable transportation.

108. GM impliedly warranted that the Class Vehicles were of merchantable

quality and fit for such use. This implied warranty included, among other things: (i) a warranty that the Class Vehicles and their transmissions were manufactured, supplied, distributed, and/or sold by GM were safe and reliable for providing transportation and would not fail prematurely; and (ii) a warranty that the Class Vehicles and their transmissions would be fit for their intended use while the Class Vehicles were being operated.

109. Contrary to the applicable implied warranties, the Class Vehicles and their transmissions at the time of sale and thereafter were not fit for their ordinary and intended purpose of providing Plaintiff and the other Class Members with reliable, durable, and safe transportation. Instead, the Class Vehicles suffer from a defective design(s) and/or manufacturing defect(s).

110. Defendant's actions, as complained of herein, breached the implied warranty that the Class Vehicles were of merchantable quality and fit for such use.

**PRAAYER FOR RELIEF**

WHEREFORE, Plaintiff, on behalf of herself and members of the Class, respectfully requests that this Court:

A. determine that the claims alleged herein may be maintained as a class action under Rule 23 of the Federal Rules of Civil Procedure, and issue an order certifying one or more Classes as defined above;

B. appoint Plaintiff as the representative of the Class and her counsel as

Class counsel;

C. award all actual, general, special, incidental, statutory, punitive, and consequential damages and restitution to which Plaintiff and the Class members are entitled;

D. award pre-judgment and post-judgment interest on such monetary relief;

E. grant appropriate injunctive and/or declaratory relief, including, without limitation, an order that requires Defendant to repair, recall, and/or replace the Class Vehicles and to extend the applicable warranties to a reasonable period of time, or, at a minimum, to provide Plaintiff and Class members with appropriate curative notice regarding the existence and cause of the defect;

F. award reasonable attorneys' fees and costs; and

G. grant such further relief that this Court deems appropriate.

**JURY TRIAL DEMANDED**

Plaintiff hereby demands a trial by jury.

Dated: December 12, 2019

Respectfully submitted,

*/s/ E. Powell Miller*

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